

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

MEETING DATE: August 25, 2020
TO: Committee of the Whole
FROM: Niki Dwyer, Director of Planning
c/o Maggie Yet, Planner I
SUBJECT: **ZONING BY-LAW AMENDMENT Z-05-20**
Lot 8, Concession 11
Pakenham Ward, Municipality of Mississippi Mills
Municipally known as 1029 12th Concession South Pakenham
OWNER: Robert Armstrong

RECOMMENDATION:

THAT the Committee of the Whole recommends that Council approve the necessary Zoning By-law Amendment to change the zoning of the retained agricultural parcel from Consent application B19/055 for part of the lands legally described as Lot 8, Concession 11, Pakenham Ward, Municipality of Mississippi Mills from the “Agricultural (A)” Zone to the “Agricultural - Special Exception (A-x)” Zone prohibit residential uses on the retained lands and reduce the minimum required lot area, and “Agricultural – Special Exception (A-x)” to reduce the frontage of the severed lands from 45m to 10m.

BACKGROUND

In Fall 2019, a surplus-farm dwelling consent application – B19/055– was submitted to the Lanark County and the Municipality of Mississippi Mills for the property known municipally as 1029 12th Concession South Pakenham. The surplus dwelling severance request was for ±1.77ha (4.37ac). The proposed lot would be located along the parent property’s southwestern lot line. The County provisionally approved the request in December 2019, with a requirement that the landowners fulfil conditions set by the Municipality, one of which is to amend the zoning of the now vacant agricultural parcel to prohibit the construction of a dwelling. The associated Community Official Plan policy (Section 3.2.7) states the following:

The [Municipality] shall impose a condition on the severance of the surplus farm dwelling which shall require a zoning by-law amendment prohibiting the construction of a new residential dwelling on the farm land parcel rendered vacant as a result of the severance.

Consequently, the zoning of the property must be amended from “Agricultural (A)” to “Agricultural – Special Exception (A-x)” to prohibit residential uses on the retained lands and reduce the minimum required lot area, and “Agricultural – Special Exception (A-x)” to reduce the frontage of the severed lands from 45m to 10m.

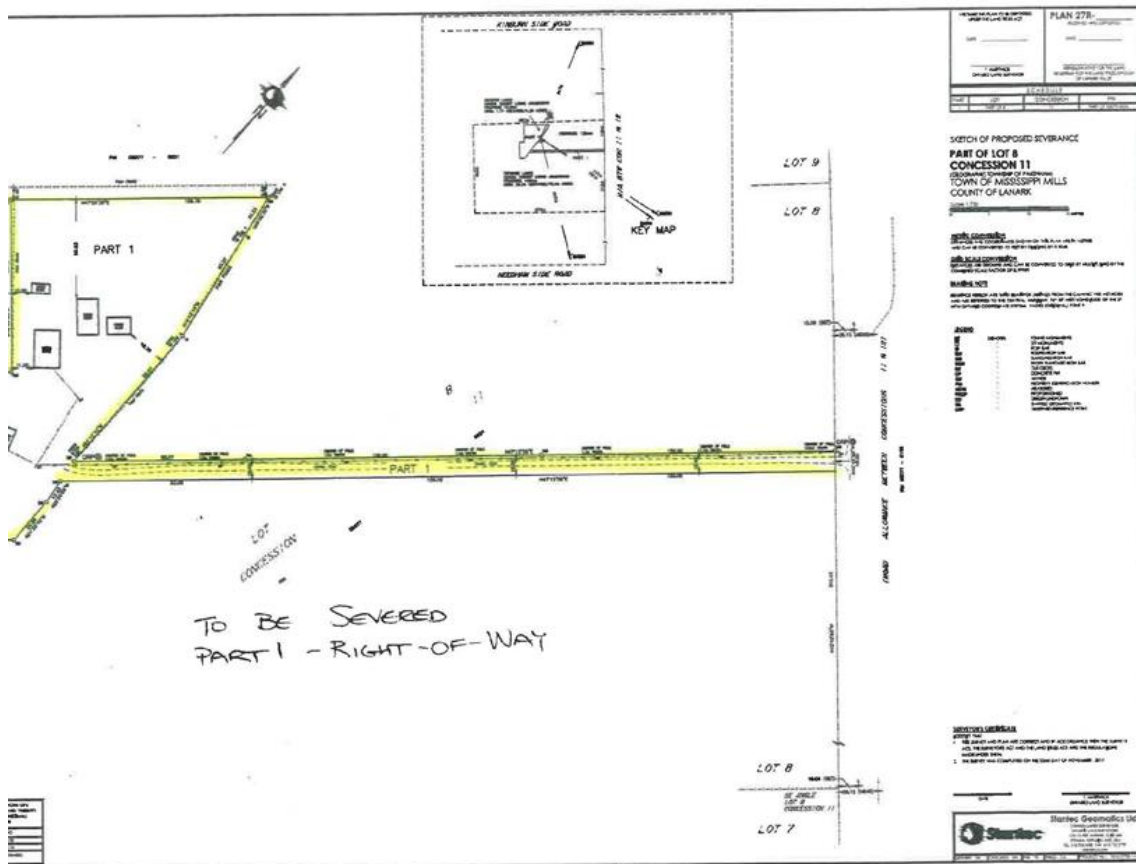
PURPOSE AND EFFECT

The purpose and intent of the Zoning By-law Amendment is to change the zoning from "Agriculture" (A) to "Agriculture Special Exception" (A-x) to fulfil a condition for the severance of a surplus farm-dwelling property. As per the Community Official Plan, the rezoned property – vacant agricultural land – would not be permitted to have a new dwelling constructed on it. The amendment would also address the existing lot size deficiency to legally permit an agricultural use.

DESCRIPTION OF PROPERTY & SURROUNDING LAND USES

The subject lands are located in Pakenham Ward, approximately 1.2 km west of the municipal boundary. The lands are ± 31.08 ha (76.8 ac) in size with ± 458 m (1502.6 ft) of frontage along 12th Concession South Pakenham. The lands are used for agriculture and a farm house, six barn buildings and a detached garage are located on the subject lands. The immediate surrounding character is predominantly agricultural, with associated farm dwellings and farming operations. The location of the subject lands within the Municipality is depicted in the following Aerial Photo:

Figure 1 – Severance Sketch (provided by the applicant)



SERVICING & INFRASTRUCTURE

The severance will separate the existing farm dwelling from its parent property. It will maintain the existing private well and septic, the principal dwelling and outbuildings. Consequently, the retained property will not be serviced, with no proposed servicing as part of the application. The retained lot will maintain frontage and access from 12th Concession South Pakenham, a municipal owned and maintained road. The severed lot will have 10 m of road frontage along 12th Concession South Pakenham, which is short of the required 45 m (147.64 ft) for non-farm residential properties within the “Agricultural” (A) Zone. Therefore, Staff required that the owner submit a zoning amendment application to reduce the minimum requirement for road frontage from 45 m to 10m as a condition of approval. The municipal servicing and infrastructure demands would not change as a result of the application.

COMMENTS FROM INTERNAL CIRCULATION

Comments received based on the circulation of this application have been summarized below:

CAO: No concerns or objections.

Clerk: No comments received,

CBO: No concerns or objections.

Fire Chief: No comments received.

Director of Roads and Public Works: No concerns or objections.

Recreation Coordinator: No concerns or objections.

COMMENTS FROM EXTERNAL AGENCY CIRCULATION

No objections were received from external agencies as of the date this report was prepared.

COMMENTS FROM THE PUBLIC

The Municipality held a Virtual Public Meeting on June 25, 2020 to provide an opportunity for the public to comment on the application. During the Public Meeting, no comments were received or have been received in the lead up to the preparation of this report.

EVALUATION

PROVINCIAL POLICY STATEMENT (PPS), 2020

The PPS provides policy direction on matters of provincial interest related to land use planning and development. As per Section 3(5)(a) of the *Planning Act, R.S.O. 1990*, all planning decisions must be consistent with the PPS. The following is a list of applicable sections of the PPS as well as a review of the proposal against these policies:

2.3.4 Lot Creation and Lot Adjustments

Lot creation in prime agricultural areas is discouraged and may only be permitted for:

c) a residence surplus to a farming operation as a result of farm consolidation, provided that:

1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and

2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective.

The proposed severed lot size was ± 1.77 ha (4.37ac), which is sufficient size to accommodate the home, well and septic and laneway. The proposed lot dimensions keep the area to an absolute minimum and therefore staff are supportive of the proposed severance.

The subject Zoning By-law Amendment would rezone the consolidated agricultural parcel to prohibit a residential dwelling on the lands in order to ensure that the proposal would not result in the creation of an additional residential building lot.

In speaking with OMAFRA, the Ministry does not object to severances occurring prior to a sale of land for farm consolidation as long as the two subsequent criteria are met regarding size and prohibition of residential uses. This flexibility allows current landowners to sell off the retained agricultural land without having to leave their home while maintaining the retained property as agriculture for the foreseeable future. Staff are of the opinion that the retained agricultural lands can accommodate future farm operations.

COMMUNITY OFFICIAL PLAN (COP)

The subject lands are designated as “Agricultural” in the Municipality’s Community Official Plan (COP). The Agricultural designation permits agricultural operations and accessory residential dwellings, non-farm residential dwellings, and home-based businesses (among others), set out in and subject to the Zoning By-law.

Agriculture Consent Policies

Section 3.2.7 of the COP provides the policies for Consents related to surplus farm dwelling severances in the Agriculture designation. The following are those relevant to this application:

- 3.2.7.1** *Farm-related severances may be considered for a farm dwelling, built prior to the adoption of the Community Official Plan (December 13, 2005), made surplus to a farming operation as a result of farm consolidation. [...] The lot area and frontage for surplus farm dwelling lots should be kept to a minimum in order to keep as much land in agricultural production as possible, but generally should not be less than 0.4 ha in size.*
- 3.2.7.2** *Farm consolidation severances on undersized agricultural properties may be considered provided the severed agricultural lands are consolidated with an abutting agricultural property.*

- 3.2.7.3 *Farm-related severances may be considered for the creation of a new agricultural holding provided that:*
- i. *Generally, the minimum lot area for agricultural parcels shall be approximately 100 acres.*
 - ii. *The size of the parcels to be severed and retained is appropriate for the type of agriculture being carried out in the area.*
 - iii. *The minimum lot area shall be sufficiently large to ensure the long-term flexibility of the land to accommodate future agricultural uses.*

The subject farm dwelling was built around 1879 according to the Municipal Property Assessment Corporation (MPAC). OMAFRA does not object to severances occurring prior to farm consolidation, granted that the surplus dwelling lot size is minimized and there is a zoning by-law amendment condition. The amendment, which would prohibit a residence, ensures that the potential agricultural use remains unhindered. As such, pending the approval of a Zoning Amendment, the Consent application meets the intentions and requirements of a surplus farm dwelling severance.

Section 3.2.7.2 indicates that undersized lots require a consolidation with an abutting agricultural property. However, there is no definition of “undersized.” When referring to farm severances, the COP requests a general holding size of 40.5ha (100ac), with flexibility provided via Section 3.2.7.3(iii) which stipulates that the minimum lot area is what can be regarded sufficient to accommodate future agricultural uses. Nonetheless, the retained property would maintain a minimum size of ±37.7ha (93.2ac). Staff believe that this is sufficient to accommodate the long-term flexibility for future agricultural practices.

As required by provincial and municipal policy, the rezoning would prohibit a residential use on the agricultural parcel. Based on the above, Staff views the proposal to meet the relevant policies of the COP.

ZONING BY-LAW #11-83

The subject properties are currently zoned “Agricultural (A)” by the Municipality’s Comprehensive Zoning By-law #11-83. The “A” Zone permits agricultural and non-farm residential uses.

As noted, the severance is for a surplus farm dwelling, thus the severed land would include the non-farm residential building; whereas, the retained parcel would be used strictly for agriculture. The following table outlines the minimum lot area and lot frontage requirements of the A Zone against the dimensions of the proposed lots:

Table 1: A Zone Development Standards vs. Proposed Lot Dimensions

12.2 ZONE PROVISIONS	MINIMUM LOT AREA (ha)	MINIMUM LOT FRONTAGE (m)
By-law requirement (non-farm residential lot)	0.4	45

Non-Farm Residential Lot (severed)	1.77	10
By-law requirement (agricultural)	40	150
Agricultural Lot (retained)	29.3	445.448

Agricultural severance policies encourage small lots to ensure the maximum quantity of workable land remains under production. The reduced frontage of 10m helps to minimize the area of the severed land while maintaining a functional and viable residential lot.

The purpose of the prohibition of a new residential dwelling is to satisfy Subsection 2.3.4(c)(2) of the PPS, which states that new residential dwellings are prohibited on the farmland parcel. The COP and the Ontario Ministry of Agriculture, Food and Rural Affairs' (OMAFRA) draft "Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas" generally recommend 40.5ha (100ac) as the minimum size for new parcels where livestock and cash cropping operations are the dominant forms of agriculture, but also state that these parcels be sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations. The lot to be retained will not meet the minimum lot area with 29.3ha set out in the A Zone and as a result needs to be included in the special exception zone.

SUMMARY

Having reviewed and assessed the proposed Zoning Amendment application, staff are satisfied that the proposals complies with the provisions of the Provincial Policy Statement 2020, conforms to the policies of the Community Official Plan and satisfies the sections of the Municipal Zoning Bylaw #11-83.

As there are no outstanding objections or public comments with respect to the public interest issues associated with the application, staff are satisfied with the approval of the application as requested.

All of which is respectfully submitted,

Left unsigned

Niki Dwyer, MCIP RPP MA BES
Director of Planning


Ken Kelly
Chief Administrative Officer

ATTACHMENTS:

Attachment A – Severance Sketch (provided by the applicant)

Attachment A – Severance Sketch (provided by the applicant)

