

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-11-20**
Lot 8, Concession 10
Ramsay Ward, Municipality of Mississippi Mills
Municipally known as 4655 Appleton Side Road
OWNER: David Campbell and Lorraine Dopson
AGENT: Tracy Zander, ZanderPlan Inc.

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 B19/098 for part of the lands legally described as Lot 8, Concession 10, Ramsay Ward, Municipality of Mississippi Mills from the “Agricultural (A)” Zone to the “Agricultural - Special Exception (A-x)” Zone to prohibit residential uses on the retained lands and reduce the minimum required lot area, and “Agricultural – Special Exception (A-x)” and reduce the minimum lot area and restrict the types of agricultural uses permit on the severed lands.

BACKGROUND

In Fall 2019, a surplus-farm dwelling consent application – B19/098– was submitted to the Lanark County and the Municipality of Mississippi Mills for the property known municipally as 4566 Appleton Side Road, Ramsay Ward. The surplus dwelling severance request was for ±10.05ha (24.8ac). The proposed lot would be located along the parent property’s northeastern quadrant with frontage on Appleton Side Road. The County provisionally approved the request in February 2020, 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)” and reduce the minimum lot area of the retained lands from 40 ha to 30.78 ha. The severed lands will similarly be rezoned to the “Agricultural – Special Exception (A-x)” to recognize a reduced area

from 40 ha to 10.5 ha and to limit certain agricultural uses permitted on the lands in accordance with the zone.

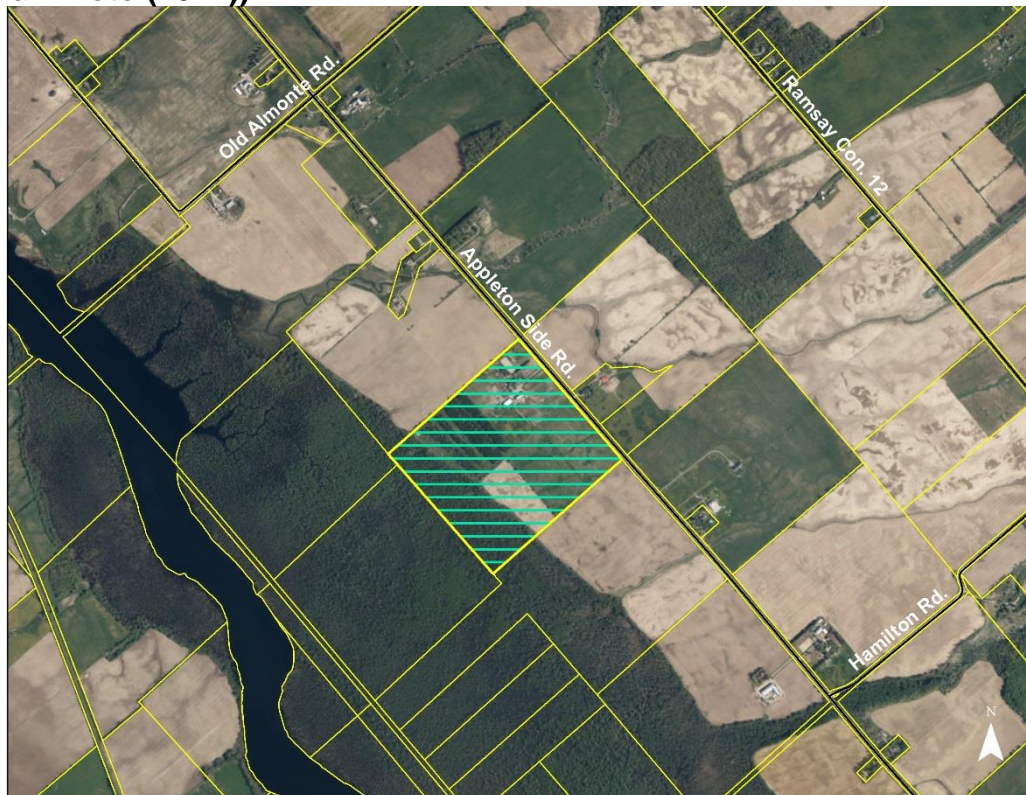
PURPOSE AND EFFECT

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 land is located south of the intersection of Appleton Side Road and Old Almonte Road. The immediate surrounding character is predominantly agricultural, with associated farm-dwellings and farming operations. A Provincially Significant Wetland is located partially on the subject property towards the rear lot line. The subject land is designated partially “Agriculture”, “Environmental Hazard” and “Flood Plain” by the Community Official Plan (COP).

Figure 1. Aerial Photo (2017))



The severance would separate an existing dwelling, two barns, a cover-all and a fenced livestock area from the parent property. The retained lands are presently used for agriculture. The severed lands would continue to be used to keep agricultural livestock. No changes to the use are proposed as part of this application.

SERVICING & INFRASTRUCTURE

The proposed severance would separate an existing farm dwelling from the parent property. It would maintain the existing well and septic. The retained lands are not presently serviced; however, the applicant has noted in its application a proposed well and septic system. Both lots would maintain frontage on Appleton Side Road, a County owned and maintained road. 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. Prior to the public meeting, comments were received from Mr Steve Maynard expressing his opinion that the application fails to conform to the Provincial Policy Statement and Community Official Plan. The analysis provided below demonstrates how the proposal conforms to both policies. A copy of Mr Maynard's comments are appended for reference.

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 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.

The PPS seeks to encourage longevity and vitality in agricultural land holdings for the long-term. Uses permitted on agricultural lands are largely limited to specific agricultural or directly related businesses, the definitions of which are stringent but do present opportunities for business diversification. In this case, both the cash-crop lands and established equestrian operation constitute appropriate and compatible uses as “agricultural” and “agriculture-related uses” as defined in the PPS.

With respect to complying with minimum distance separation (MDS) requirements, the Applicants have noted that there are livestock facilities located on the subject property associated with the equestrian establishment. The applicant proposes to include the subject land’s existing barns as part of the severed lot. Further, all other livestock facilities in the area are located on separate properties. Thus, an MDS I setback is not required and fulfills the requirements of Section 2.3.3.3.

The severed lot size is 10.5 ha, which has been proposed based on the existing boundaries of the existing equestrian establishment. The boundary lines are reflective of the original farmstead (and private servicing), barns and paddock lands. A site visit to the property confirmed that the proposed severed parcel is accurate to the existing operations and reflects the clear land use division between spaces used for paddock and adjacent croplands.

While lot creation in prime agricultural lands is only permitted where new lots are limited to the minimum size needed to accommodate the use, Staff feel that the requested acreage is appropriate to support the present equestrian establishment while maintaining flexibility in the future for other similar commercial agricultural use in accordance with Policy 2.3.4.1. This approach is consistent with the *Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas* (a companion policy to the PPS) policies on agricultural, agricultural related and on-farm diversified uses.

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.*

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 ±30.78ha. 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 lands are presently zoned “Agriculture (A)” within the Comprehensive Zoning By-law #11-83. As required by consent application B19/098, the vacant farm property must be rezoned 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)” and reduce the minimum lot area of the retained lands from 40 ha to 30.78 ha. The severed lands will similarly be rezoned to the “Agricultural – Special Exception (A-x)” to recognize a reduced area from 40 ha to 10.5 ha and to limit certain agricultural uses permitted on the lands in accordance with the zone.

11.3 Special Provisions

- 11.3.X *(Retained Lands) Notwithstanding their 'A' Zoning designation, on those lands delineated as 'A-x' on Schedule 'A' to this By-law, may be used in compliance with the A zone provisions contained in this by-law, excepting however, that:*
- i) all residential uses are prohibited; and*
 - ii) the minimum lot area may be 30.78ha.*
- 11.3.X *(Severed Lands) Notwithstanding their 'A' Zoning designation, on those lands delineated as 'A-x' on Schedule 'A' to this By-law, may be used in compliance with the A zone provisions contained in this by-law, excepting however, that:*
- i) the minimum lot area may be 10.5 ha; and*
 - ii) that notwithstanding the uses permitted in the definition of "agricultural" uses, the following uses shall not be permitted: raising of large livestock including dairy or beef cattle, poultry, swine, deer, bison etc, in excess of 1 nutrient unit.*

SUMMARY

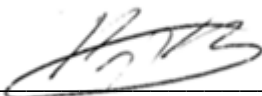
Having reviewed and assessed the proposed Zoning Amendment application, staff are satisfied that the proposals complies with the provisions of the Provincial Policy Statement 2020, conforms to the policies of the Community Official Plan and satisfies the sections of the Municipal Zoning Bylaw #11-83.

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,

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Niki Dwyer, MCIP RPP MA BES
Director of Planning

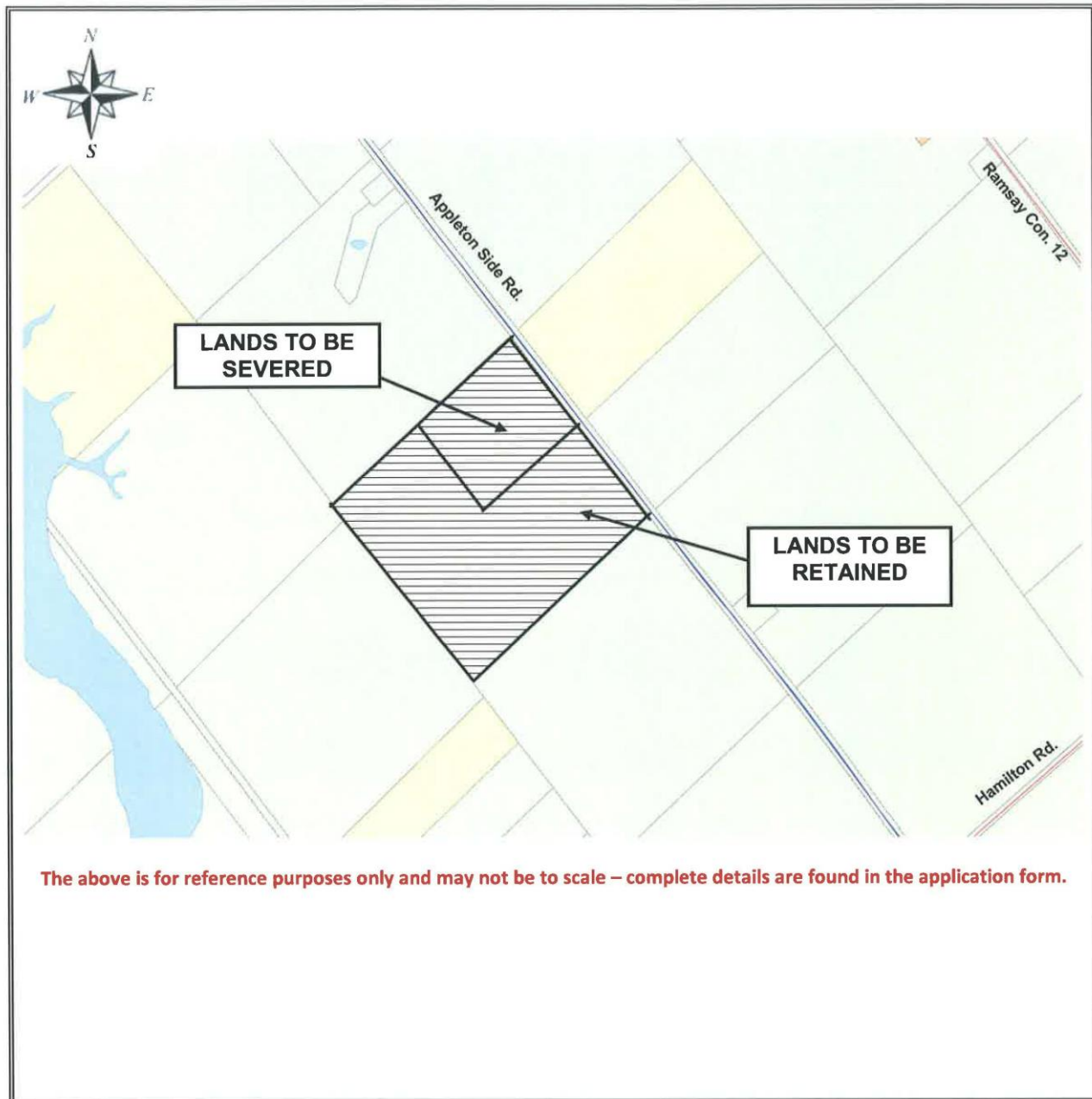


Ken Kelly
Chief Administrative Officer

ATTACHMENTS:

Attachment A – Location Map
Attachment B – Property Sketch
Attachment C – Public Comments Received

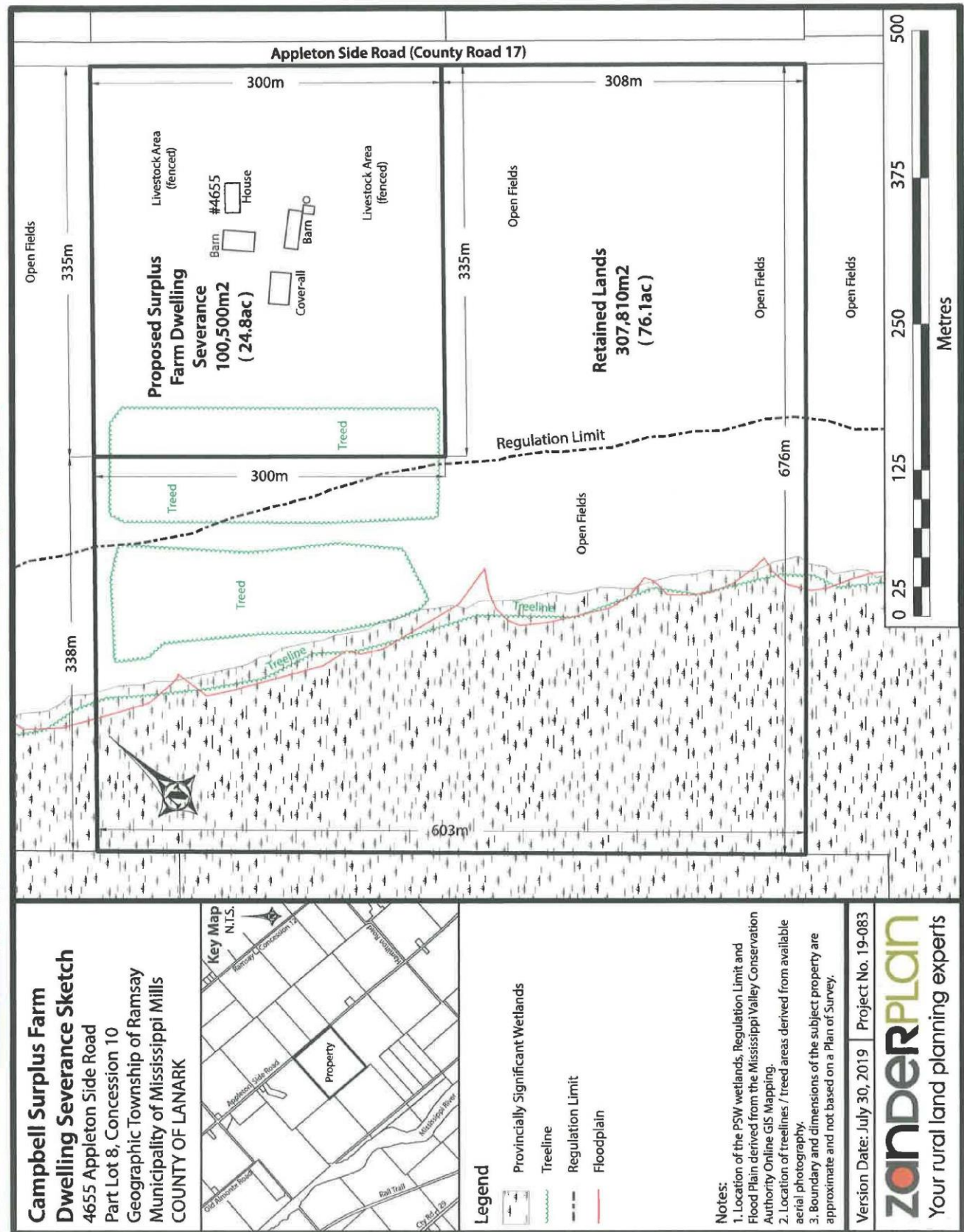
Attachment A – Location Map



Landowner: David Campbell and Lorraine Dopson
File No.: B19/098
Subject Land: Pt. Lot 8, Concession 10, geographic Township of Ramsay in Mississippi Mills

**APPLICATION FOR
CONSENT**
"Sketch Only"
Prepared by Lanark County
Planning Dept.
NOT A LEGAL SURVEY

Attachment B – Property Sketch (Provided by Applicant)



Attachment C – Public Comments:

Dear Ms. Dwyer:

I am opposed to this zoning by-law amendment because it is prime farmland.:

Section 2.1(5) of the Planning Act requires that a decision of the council of a municipality in respect of the exercise of any authority that affects a planning matter be consistent with the Provincial Policy Statement in effect on the date of the decision;

Section 2.3.4.1 of the Provincial Policy Statement, 2014 states that

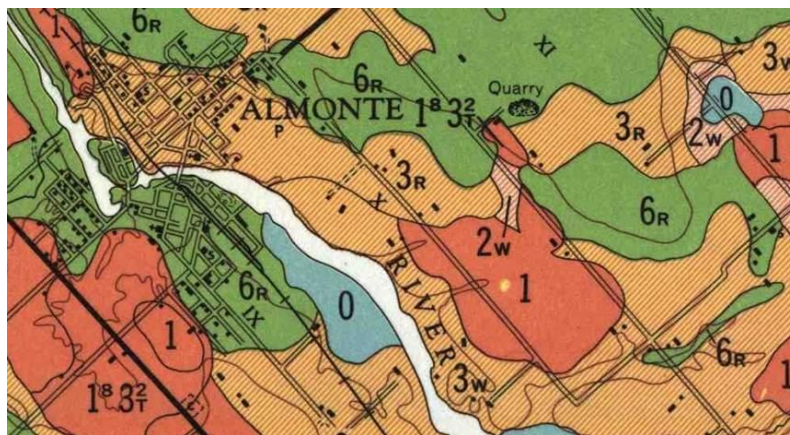
“Lot creation in prime agricultural areas is discouraged and may only be permitted for:” “c. a residence surplus to a farming operation as a result of farm consolidation”

The PPS defines a “residence surplus to a farming operation” as:

“Residence surplus to a farming operation: means an existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).”

If passed, this Zoning By-law Amendment would be another illegal by-law passed by Council.

Soil Classification:



Thank you.

Steve Maynard