

## **775 Country Street**

Planning Rationale  
Zoning By-law Amendment and Consent Applications  
March 4, 2022



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# 1.0 Introduction

Fotenn Planning + Design has been retained by Mr. Blair Walker (“Owner”) to prepare this Planning Rationale in support of Zoning By-law Amendment and Consent applications to facilitate the proposed severance for the purpose of lot addition of the lands municipally known as 775 Country Street (“subject site”) and 785 Country Street (“retained lands”), in the Municipality of Mississippi Mills.

The owner of the property at 785 Country Street intends to sever the surplus farm dwelling in order to consolidate farmland with the adjacent property at 775 Country Street. The owner of 775 Country Street intends to purchase the severed L-shaped piece of land from 785 Country Street that will provide direct street frontage along Country Street in addition to being used for agricultural uses, such as agritourism. These applications are being made under Purchase and Sale Agreement.

## 1.1 Development Applications

To facilitate the proposed development, this Planning Rationale is submitted in support of two (2) applications: Consent and Zoning By-law Amendment. The first required application is needed to sever a surplus farm dwelling from the property at 785 Country Street and add the severed farmland to the property at 775 Country Street. The severed parcel and the lands currently known as 775 Country Street are bisected by a multi-use pathway, but will form one (1) ownership on title for the purposes of future use of the lands. The second application is needed to amend the Zoning By-law to permit site specific provisions for the minimum lot size and lot frontage on Country Street. This zoning amendment will also include a provision that prohibits new residential dwellings on the severed lands, to ensure the policies prohibiting new residential development through consent outside of settlement areas are respected.

## Surrounding Area and Site Context

The subject sites, municipally known as 775 and 785 Country Street are located just outside the Settlement Area boundary of Almonte, in the Municipality of Mississippi Mills. The subject site at 775 Country Street has a site area of approximately 26.8 hectares, with no frontage on a municipal road. The subject site at 785 Country Street has a site area of approximately 3.7 hectares, with approximately 140 metres of frontage on Country Street. An easement across 785 Country Street, immediately adjacent to the existing structures on the site provides access to the 775 Country Street, as shown by the driveway in Figure 1 below.

The subject site at 775 Country Street currently contains a single-detached dwelling and a barn. The portions of the site not used for the existing structures are currently used for agricultural purposes. The subject site at 785 Country Street currently contains a single-detached dwelling and detached garage. The portion of the site to be severed is currently vacant. Both sites are in proximity to hydro lines, however the proposed severance and future agricultural uses will be located away from these lines.



Figure 1. Aerial image of subject properties

The subject sites are located outside of the Settlement Area boundary for Almonte in a rural area. 775 Country Street is bound by the Mississippi River to the northeast, the Ottawa Valley River Trail (OVRT) to the southwest, with residential and agricultural uses to the northwest and southeast. 785 Country Street is bound to the northeast by the OVRT, a hydro facility to the southeast, agricultural lands south of Country Street and residential uses to the west.



The following Table provides an overview of the project statistics and the resulting properties from the proposed severance.

Table 1. Project Statistics

Property	Status	Lot Area	Lot Width	Lot Depth	Proposed Use
<b>785 Country Street</b>	Retained	2.2 ha	119.84 m	185.17 m	Residential – no change
<b>785 (A) Country Street</b>	Severed	1.5 ha	172.74 m (width along OVRT) 20.16 m (frontage along Country St.)	185.17 m (Country St. to OVRT) 75.18 m (land for Agriculture Use)	Agricultural – to be consolidated with 775 Country St.
<b>775 Country Street</b>	Lot to be added to	26.8 ha	Approx. 758 m	Irregular	Agricultural – no change

The proposal is for concurrent Consent and Zoning By-law amendment applications. The vacant farmland that will be rendered as a result of the proposed surplus farm dwelling severance will be rezoned to reduce the minimum lot size and lot frontage required for agricultural uses in the Agricultural (A) zone. The severed property will also be rezoned to prohibit future residential uses.

### 3.2 Interim Control By-law – Limited Service Residential

The Municipality of Mississippi Mills passed on December 7<sup>th</sup>, 2021, By-law No. 21-099, an Interim Control By-law to control the development of dwellings on lots zoned Limited Service Residential (LSR) on lots that do not have frontage on an open road allowance outside of the Village Boundaries, for a period of one year. The Municipal Council enacted as follows:

- / That the Interim Control By-law applies to all lands, buildings and structures on lots without frontage on an open road allowance outside of the Village Boundaries.
- / That no land, building or structure subject to this By-law shall be used for residential purposes of a single detached dwelling, accessory dwelling or seasonal dwelling.
- / That for greater clarity, nothing in this By-law shall prevent the registration of a Complete Draft Plan of Subdivision. Lots within the said registered Plan of Subdivision shall be eligible for building permits in accordance with the approved zoning by-law for the lands.
- / That any Complete Official Plan Amendment application, Complete Zoning By-law Amendment application or Minor Variance application under the Planning Act that exists on or before the date of passage of this By-law, shall be exempt from this By-law and be eligible to apply for Site Plan Control, lifting of a Holding Zone and building permits and be issued Site Plan Control approval, removal of a Holding Zone and building permits in accordance with the approved zoning for the lands.
- / That for any Official Plan Amendment, Zoning By-law Amendment or Minor Variance applications under the Planning Act received after the date of the passing of this By-law that propose to permit lands to be used for a dwelling with limited services shall be deemed contrary to this By-law and are prohibited.

- / That this By-law shall come into force and take effect immediately upon the passage thereof and shall be in effect for one (1) year from the passage of this By-law unless otherwise extended in accordance with Section 38 of the Planning Act or repealed by Council at an earlier date.

**The subject site is located within the municipal boundary of Mississippi Mills, but outside of the Settlement Area boundary of Almonte. As such, the Interim Control By-law applies to the site. Despite the Interim Control By-law which seeks to address the development of Limited Service Residential lots, this application to permit a farm-related severance with a reduced lot frontage rectifies the issue of development on a Limited Service Residential Lot by providing street frontage to an otherwise landlocked parcel, bringing the site further into compliance with the provisions of the Agricultural (A) zone. It will enable the full function and use of the lands, eliminating the current need for an easement for access and, through the existing 775 Country Street lands and the severed lands being joined on title, effectively eliminate the existing “landlocked” condition of the lands.**

## Lot Fabric Analysis

The Ottawa Valley River Trail (OVRT) is a multi-use pathway that runs southeast to northeast through towns along the old CP rail line. The OVRT is located between the two (2) subject properties, acting as a natural separation and boundary between the two sites. As a result of the location of the OVRT, a simple lot line adjustment to permit the addition of underutilized farmland is not permitted. A lot fabric analysis has been conducted using the Township of Mississippi Mills GIS mapping to determine how many lots exist on both sides of the OVRT, as well as how many lots exist as landlocked parcels (like 775 Country Street).

The severed parcel of land is intended to be added to 775 Country Street and severed from 785 Country Street. As a result of the location of the OVRT, a simple lot line adjustment is not possible as the severed lands cannot be physically amalgamated with the existing 775 Country Street parcel. A lot fabric analysis has been conducted using the Township of Mississippi Mills GIS mapping to determine how many lots exist on both sides of the OVRT, as well as how many lots exist as landlocked parcels because of the location of the OVRT. The lot fabric analysis includes parcels of land from Needham Side Road to Ramsay Concession 8 at the boundary of Carleton Place. Figure 3 and Figure 4 outline examples of lots existing on both sides of the OVRT and landlocked parcels in close proximity to the subject sites.

Parcels located on both sides of the OVRT with the same municipal address:

- / 1017 Blakeney Road
- / 6306 Martin Street North
- / 6208 Martin Street North
- / 5907 Martin Steet North
- / 5703 Martin Street North (street access to the front parcel has no municipal address label; if not the same lots, this is landlocked)
- / 559 Country Street
- / 6142 County Road 29
- / 6278 County Road 29
- / 6406 County Road 29

Landlocked parcels:

- / Land east of 167 Smart Street (east of OVRT)
- / 775 Country Street (subject site)
- / Lands immediately southeast of 775 Country Street – accessed by unopened road allowance or easement
- / Parcels east of 6278, 6406 County Road 29 (along Mississippi River)
- / Triangular parcel east of 366, 324 and 302 Ramsay Concession 8
- / 117 \_\_\_ Street (immediately south of 39 Carss Street – possible walking path access from Union Street North, no vehicular access)
- / 6156 Martin Street North – easement or driveway between 6160 and 6154

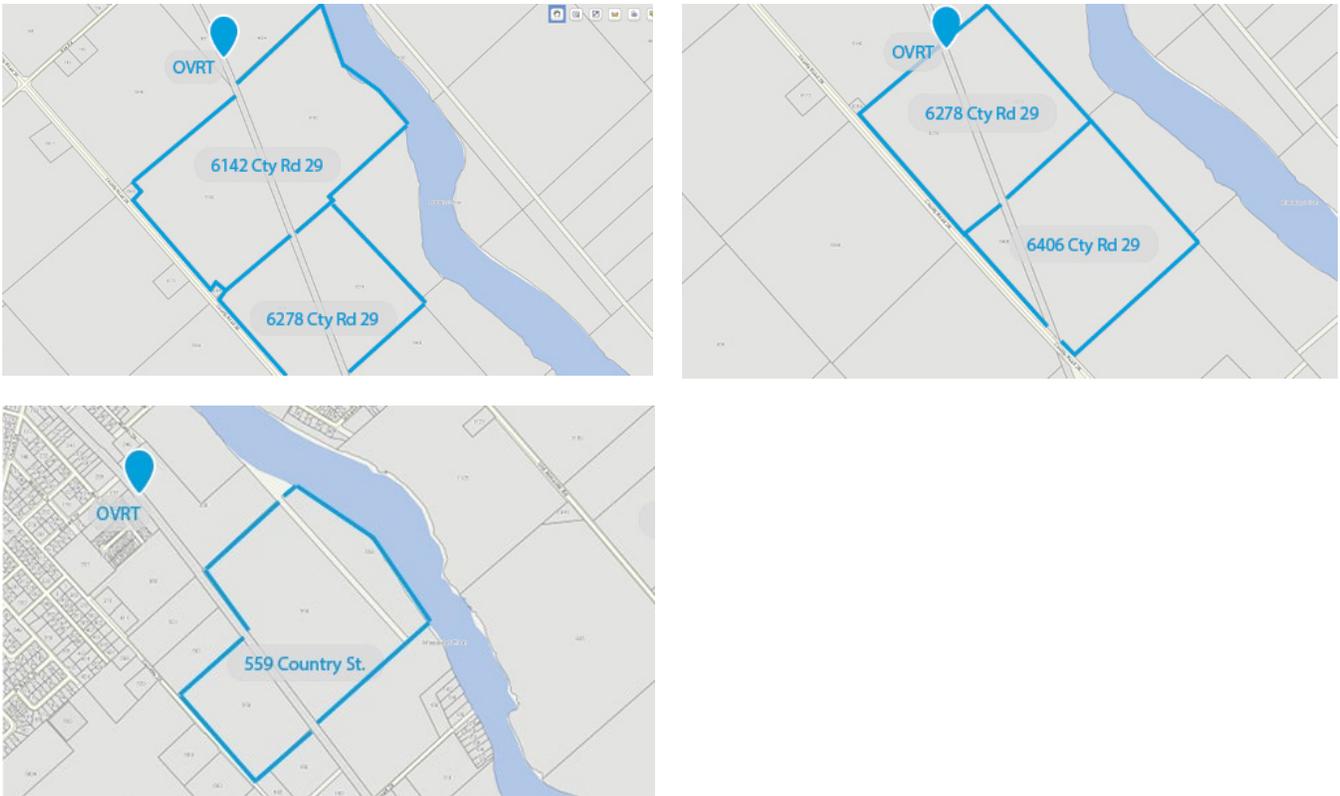


Figure 3. Examples of properties that have parcels of land on both sides of the OVRT

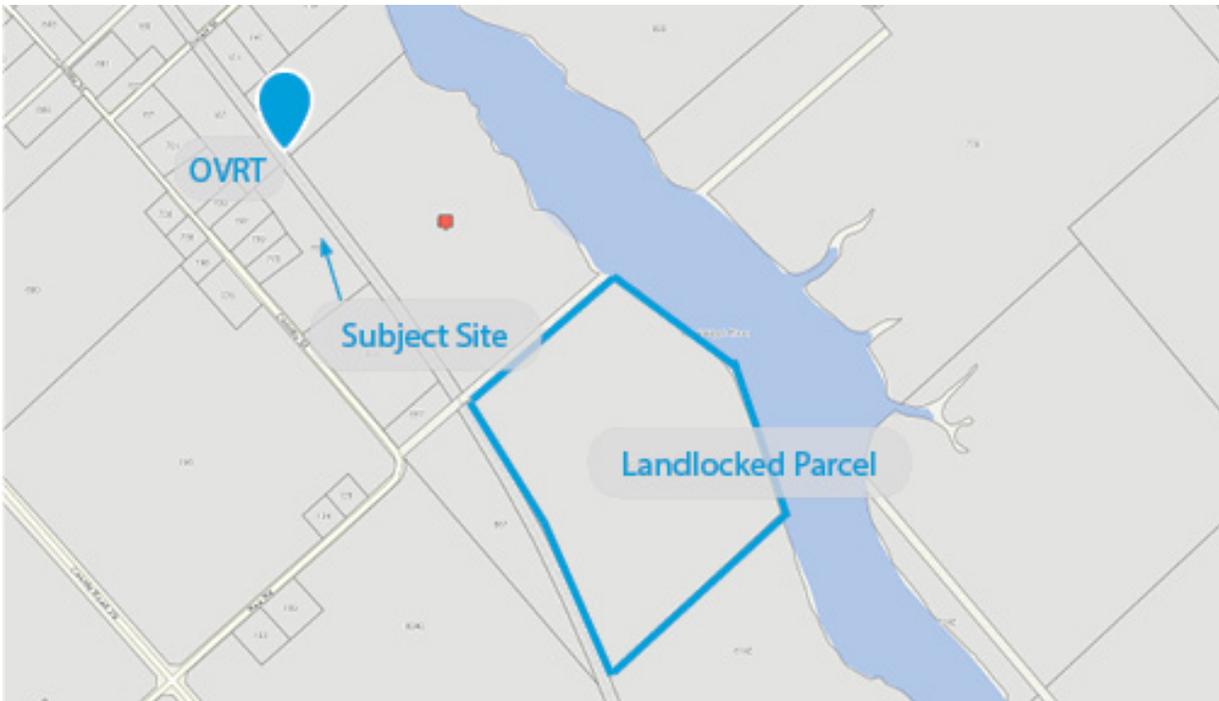


Figure 4. Example of a parcel landlocked by the OVRT, adjacent to the subject sites

## 5.0 Policy and Regulatory Framework

### 5.1 Provincial Policy Statement (2020)

The Provincial Policy Statement, 2020 (PPS) provides direction on matters of provincial interest related to land use planning and development. The Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act, which includes the PPS.

The PPS supports the goal of enhancing the quality of life for residents of Ontario, including the protection of public health and safety, the quality of the natural and built environment, and resources of provincial interest. The PPS also recognizes the “the long-term prosperity and social well-being of Ontario depends upon planning for strong, sustainable and resilient communities for people of all ages ...”. The policies of the PPS support building strong healthy communities, wise use and management of resources, and protecting public health and safety. The following PPS policies are applicable to the proposed development:

- 1.1.1 Healthy, liveable and safe communities are sustained by:
  - a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
  - c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns; and
  - d) Avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas.
- 1.1.4.1 Healthy, integrated and viable rural areas should be supported by:
  - a) Building upon rural character, and leveraging rural amenities and assets;
  - e) Using rural infrastructure and public service facilities efficiently;
  - g) Providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets; and
  - h) Providing opportunities for economic activities in prime agricultural areas, in accordance with policy 2.3.
- 1.1.5.2 On rural lands located in municipalities, permitted uses are:
  - a) The management or use of resources;
  - b) Resource-based recreation uses;
  - c) Residential development, including lot creation, that is locally appropriate;
  - d) Agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;
  - e) Home occupations and home industries;
  - f) Cemeteries; and
  - g) Other rural land uses.
- 1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.

- 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.
- 1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protection agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.
- 1.7.1 Long-term economic prosperity should be supported by:
- h) Providing opportunities for sustainable tourism development; and
  - i) Sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agri-food network.
- 2.1.1 Natural features and areas shall be protected for the long term.
- 2.3.1 Prime agricultural areas shall be protected for long-term use for agriculture.
- 2.3.3.1 In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses.
- 2.3.3.2 In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.
- 2.3.4.1 Lot creation in prime agricultural areas is discouraged and may only be permitted for:
- a) Agricultural uses, provided that the lots are of a size appropriate for the type of agricultural uses(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
  - b) Agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
  - 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 service; 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; and
  - d) Infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.
- 2.3.4.2 Lot adjustment in prime agricultural areas may be permitted for legal or technical reasons.

**The proposed development conforms with the policies of the Provincial Policy Statement. The Consent and Zoning By-law amendment applications and resulting development contributes to a healthy, integrated, and viable rural area, providing an opportunity for economic activities in a prime agricultural area. Additionally, the proposed development is compatible with the rural landscape and presents an opportunity to support a diversified rural economy that can be sustained by rural service levels. Finally, the proposed development is consistent with the policies regarding residence**

surplus to a farming operation where new residential development will be prohibited on the severed lands and the retained lands has been limited to a minimum size based on the area to accommodate existing buildings, sewage and water service. The proposed severance has taken into account the existing boundary between the severed and retained lands that has been created as a result of an easement across the property. If the retained lands were to be reduced any further it would result in the required removal of existing buildings or an irregular lot shape that is not consistent with the existing, regular lot fabric of the area.

## 5.2 Lanark County Sustainable Communities Official Plan (SCOP) (2012)

Lanark County is expected to experience modest growth in the next 20 years up to a population of just over 70,000 people. Approximately seventy percent or more of development will take place in designated settlement areas, with approximately thirty percent of development occurring outside of settlement areas. This provides for a healthy distribution of residential and non-residential growth between urbanized areas and rural and waterfront communities throughout the County. The Sustainable Communities Official Plan (SCOP) recognizes two predominate settlement pattern types throughout the County:

- / Settlement Area which consist of fully serviced Towns and Villages and partially serviced or un-serviced Villages and Hamlets; and
- / Dispersed rural and waterfront uses which are or can be developed on existing lots of record or on lots created by plan of subdivision / condominium or by consent.

The subject properties are located outside of a designated Settlement Area and are designated as Rural and Agricultural Area on Schedule A – Land Use of the Official Plan (Figure 5).



Figure 5. Excerpt of Schedule A - Land Use, of the Lanark County Sustainable Communities Official Plan

The County of Lanark is characterized by its large expanses of rural, agricultural and recreational lands. The Rural Area policies are intended to provide for the long-term orderly development of the rural area in a manner which is consistent with ensuring the protection of natural and environmental resources and which will respect the objective of protecting the character of our rural and urban areas. Section 3.2 states that “local municipalities shall identify and designate Rural policy areas which shall be composed of lands located outside of the primary development and resource areas, that is to say lands which are outside of local Settlement Areas and lands which are not required for resource uses such as mineral aggregates and agricultural uses or natural heritage functions such as provincially significant wetlands or wildlife habitat areas.”

The SCOP provides policy direction for the Rural Area, however many of the policies guide the policies of local municipalities (Mississippi Mills). The following Rural Area land use policies directly relate to the subject properties and proposed development:

- / Policy 3 of Section 3.3.2 (General Policies) states that rural development shall have regard for the safety of people and property and shall occur in a manner which will not result in an increased need or demand for municipal services.
- / Section 3.3.3 (Lot Creation) states that the creation of new lots in rural areas shall be limited in nature and shall generally occur through plans of subdivision or consent. The use of the *Planning Act*'s consent provisions may be appropriate under certain circumstances. The criteria identified for land division by consent in local Official Plans shall also apply.
- / Policy 3.3.4.1 state that in order to maintain and protect the character and identity of rural areas, it will be important to avoid inefficient land use patterns, to minimize incompatibility between land uses and to minimum adverse environmental impacts in accordance with the relevant policies of this Plan and local Official Plans.
- / Policy 3.3.4.5 states that local Councils through the development of local Official Plans and municipal zoning by-laws shall regulate residential and non-residential development. The use of subdivision and condominium control shall also apply as will the granting of consents by the appropriate consent granting authority. The implementation of this Plan through zoning regulations, subdivision and condominium control and consents shall be based on the following criteria:
  - Permit and zone a range of housing types and sizes;
  - Ensure adequate buffering of residential areas from incompatible non-residential uses through separation distance, landscaping or other appropriate means;
  - Identify and zone permitted non-residential uses;
  - Permit accessory apartments in accordance with Section 16(3) of the *Planning Act*;
  - Ensure the protection of resources from incompatible uses through appropriate setbacks and use of Minimum Distance Separation formulae where appropriate;
  - Ensure the protection of natural heritage features.
- / Policy 3.3.4.6 states that lot frontage, depth and area shall meet local zoning by-law requirements.

**The proposed severance and Zoning By-law amendment conform to the policies of Section 3.0 – Rural Area Policies, of the Sustainable Communities Official Plan. The severance of the land at 785 Country Street and the subsequent lot addition of the severed lands to 775 Country Street are being considered through the consent process, as per Sections 51 and 53 of the *Planning Act*. The proposed severance and rezoning will result in the severed lands remaining as agricultural land which will not result in an increased need or demand for municipal services. Maintaining the severed land as agricultural land will maintain and protect the character of the immediate area, in which a mix of residential and agricultural lands currently exist. As a result of the severance, the property at 775 Country Street will have direct frontage onto Country Street, compared to the current easement that exists today. The Zoning By-law amendment**

**will also need to amend the frontage and lot area requirements, therefore conforming with the policies above regarding lot frontage, depth and area.**

The subject property at 775 Country Street abuts the Mississippi River, which has been identified on Schedule A – Land Use as a Provincially Significant Wetland and ANSI – Life Science. A flood plain also extends onto the property as a result of the River. Similar to the Rural Area policies, the County relies on local municipalities to provide policy direction regarding Natural Heritage, which will be discussed in Section 5.3 of this Report. The primary policy direction by this SCOP is that development or site alteration within 120 metres of designated wetland or ANSIs will only be permitted if an Environmental Impact Statement (EIS) has demonstrated that there will be no negative impacts on the natural features or ecological functions. Despite the requirement for an EIS within 120 metres of these features, on lands with established agricultural uses an EIS is not required.

**No new development is proposed as a result of the Consent and Zoning By-law amendment applications. The lands that are proposed to be severed and consolidated with 775 Country Street are located approximately 300 metres from the area designated as Provincially Significant Wetland and ANSI – Life Science, therefore the current proposal is not subject to an Environmental Impact Statement.**

A portion of both of the subject properties have been designated as Agricultural Area on Schedule A – Land Use. Agriculture plays a significant role in the local economy of the County of Lanark and consequently there is a need to ensure that this resource is protected. The following Agricultural Area policies directly relate to the subject sites and the proposed development:

- / Section 6.1.2 outlines the permitted uses in areas identified as agricultural resource areas:
  - Agricultural uses and normal farm practices;
  - Uses which are secondary to a principal agricultural use and which add value to agricultural products or support the agricultural resource use;
  - Uses secondary to the principal use of the property such as home-based work, bed and breakfast establishments, domestic industries and uses that produce agricultural products;
  - Forestry uses;
  - Uses related to the conservation or management of the natural environment;
  - Small scale farm related industrial and commercial uses that are directly related to an agricultural operation;
  - Wayside pits and quarries which, if established on land that is of high capability for agriculture, shall be subject to a rehabilitation plan showing how the site will be rehabilitated for productive agricultural use
  - Public utility corridors and communications facilities;
  - Private communications facilities subject to local zoning and development controls;
  - Farm related residential uses.
- / Section 6.1.3 speaks to lot area and provides the following criteria for determining lot area standards in zoning by-laws and for lot creation purposes:
  - The minimum lot area of the agricultural parcel shall be appropriate for the type of agriculture common in the area.
  - The minimum lot area shall be sufficiently large to ensure that long-term flexibility of lands to accommodate different agricultural uses in the future.
  - Minimum lot area may be reduced where specialized agricultural operations which do not produce animal waste and which by their nature do not require large lot areas such as garlic farms, apiaries or aquaculture.

- Lot areas for residential uses (farm and non-farm) and industrial or commercial uses related to agricultural uses shall be kept to the minimum required for site services and local development standards in order to limit the loss of prime agricultural land.

/ Section 6.1.4 speaks to lot creation within agricultural areas. Residential severances in agricultural resource areas may only be considered for a dwelling made surplus through farm consolidation, where farm consolidation is defined as the consolidation of one farm operation with another. A farm operation is defined as all of the legally conveyable lots, whether contiguous or not, which are associated with the operation of a farm including those lands which are owned and which are considered to be one operation for income tax purposes. The consent approval authority shall impose restrictive conditions to prohibit the construction of a new dwelling unit on the rendered vacant land as a result of the severance. In addition, the consent approval authority shall consider non-residential farm severances in accordance with the following:

- For making minor boundary adjustments between farms, provided that no building lot is created;
- For creating a new holding intended to be used exclusively as an agricultural operation ...;
- For create a new holding intended to be used for a farm related commercial or industrial operation. Where possible, such a lot will be located on land of low capability for agriculture.

**The proposed severance and Zoning By-law amendment applications conform to the policies of Section 6.1 – Agricultural Resources, of the Sustainable Communities Official Plan. The proposed severance is of a surplus farm dwelling with the intent to consolidate the currently vacant and underutilized farmland at 785 Country Street with the farmland at 775 Country Street, allowing for the expansion of agricultural uses on the property. The severed lands are intended to be used for agritourism that will draw cyclists and pedestrians from the Ottawa Valley River Trail OVRT). Despite the natural boundary that the OVRT creates between the severed lands and 775 Country Street, the severed lands are not intended to be a new holding, they will be connected on title with the existing property at 775 Country Street. No new residential development will occur on the severed lands, as per the restriction proposed through this set of applications.**

### 5.3 Municipality of Mississippi Mills Community Official Plan (COP) (2006, as amended)

In the context of rural/small town Ontario, Mississippi Mills stands out as being truly unique and fortunate. Much of Mississippi Mills' built heritage, both rural and urban, remains relatively intact, providing a valuable record of the Municipality's historical past. Located approximately 50 kilometres from downtown Ottawa, as the City of Ottawa grows so will Mississippi Mills. As the Municipality continues to grow, it has the option of directing urban type development to urban areas and rural type development to rural areas.

#### 5.3.1 Growth and Settlement

Mississippi Mills is projected to grow to a population of 21,122 to the year 2038 – a 60% increase in the Municipality's population. The Municipality has established a Settlement Strategy which directs where growth will take place. This Strategy has identified general policies as they relate to Growth and Settlement within the Municipality. The following policies directly relate to the subject properties and the proposed development:

- / Policy 9 of Section 2.5.3.2.3 states that the creation of new residential lots outside of identified settlement areas shall take place by consent to sever. Generally, non-farm residential lots shall be 1 ha (2.4 acres) in size. The number of lots created by consent per land holding shall be a maximum of two (2) plus the remnant lots, except as otherwise provided for in this Plan.
- / Policy 10 states that the Official Plan prohibits the creation of new rural residential subdivision or rural settlement areas supported by private services.

**The proposed severance is of a surplus farm dwelling in which the severed parcel of land will be rezoned to Agricultural zone and added to the subject property at 775 Country Street. The purpose of the severance is to expand**

the existing farm at 775 Country Street and use the severed lands for agritourism. No non-farm residential uses are planned for any lands subject to this application.

### 5.3.2 Land Use Designations

The subject properties are both split-designated as Rural and Prime Agriculture on Schedule A – Rural Land Use of the Community Official Plan (COP) (Figure 6).

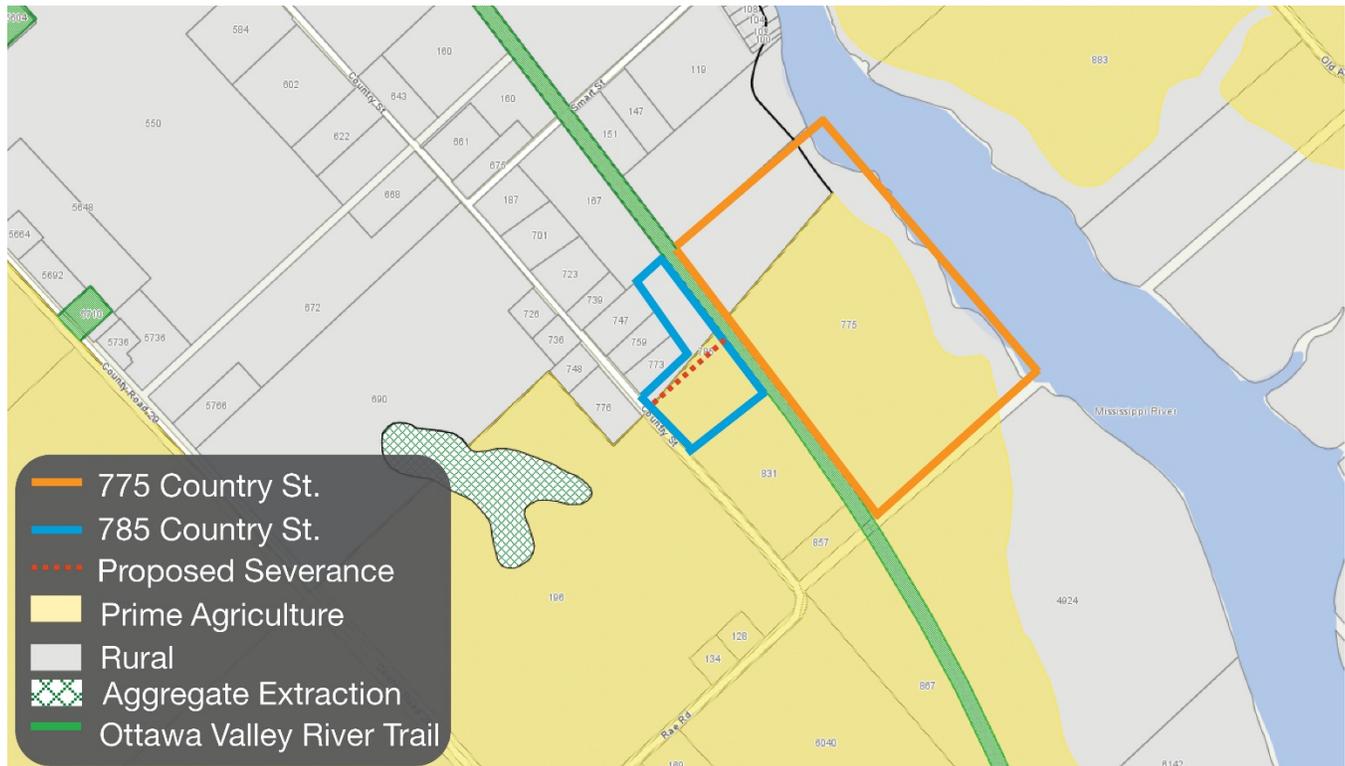


Figure 6. Excerpt of Schedule A - Rural Land Use, of the Mississippi Mills Community Official Plan

#### Agricultural Lands:

The goal of the COP is to protect agricultural resources for agricultural uses. This will be achieved through the following objectives:

- / Identify the Agricultural designation as those lands which have large contiguous areas of Classes 1, 2 and 3 soils as per the Canada Land Survey.
- / Restrict development on agricultural lands to those which are compatible with or supportive of the agricultural industry.
- / Prohibit farmer “retirement lot” severances within the Agricultural designation.
- / Require development within rural areas to be buffered and setback from the boundary of the Agricultural designation.
- / Encourage the agricultural industry to carry out sustainable stewardship of the land in accordance with Environmental Farm Plans, Nutrient Management Plans and Provincial Best Management Practices.

A broad range of uses are permitted on lands designated as “Agricultural”, which include, among others:

- / Agricultural uses;
- / Agriculturally related businesses and services;
- / Farm gate retailing, home-based business, agriculturally related tourist commercial uses, agricultural education enterprises, etc., and similar activities which are secondary and incidental to the farming operation;

The following Agricultural policies relate to the subject properties and the proposed development:

- / Section 3.2.4 (Land Stewardship, Sustainable Operations and Nutrient Management) provides policy direction for nutrient management, best management practices for operations and farmer-led stewardship.
- / Section 3.2.6 (Agricultural Commercial and Industrial Development) states that permitted agricultural commercial or industrial development within the Agricultural designation shall be subject to the following policies:
  - The Minimum Distance Separation calculation shall apply;
  - Development shall be subject to Site Plan Control;
  - Any accessory residence remains as part of the commercial or industrial holding and shall not be permitted as a separate lot;
- / Policy 1 of Section 3.2.7 (Severances and Lot Creation) states that farm-related severances may be considered for a surplus 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.
  - Farm consolidation means the acquisition of additional farm parcels to be operated as one farm operation. Farm consolidation may include existing situations where a farm operation has two dwellings located on separate agricultural holdings. Only farmers who are expanding their farm holdings shall qualify for surplus farm dwelling severances.
  - 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 farmland parcel rendered vacant as a result of the severance.
  - The Municipality may request a condition on the Land Division Committee decision to sever to require the registration of a covenant on the title of the property stating that the lot is adjacent to an agricultural area and may therefore be subjected to noise, dust, odours and other nuisances associated with agricultural activities.
  - The lot area and frontage for surplus farm dwelling lots will 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.
  - Surplus farm dwellings will not be subject to the Minimum Distance Separation Formula I (MDS).
- / Policy 2 states that farm consolidation severances on undersized agricultural properties may be considered provided the severed agricultural lands are consolidated with an abutting agricultural property.
- / Policy 3 states that severance for boundary adjustments between agricultural holdings may be permitted provided that no new lot is created, and the size of the lots are appropriate for the type of agriculture proposed.

### **Rural Lands:**

The goal of the COP is to provide for an appropriate range of rural land uses which protect rural resources, traditional land uses, and environmental features. This will be achieved through the following objectives:

- / Identify locally significant agricultural lands as those which have soils within Classes 1 to 3 of the Canada Land Inventory located outside of the "Agricultural" designation and that are part of a productive agricultural operation. Schedule A shall identify such lands as an overlay referred to as "Rural – Agriculture".

- / Require development within rural areas to be buffered and setback from the boundary of the “Agricultural designation” and other non-compatible rural resources.
- / Provide direction to the location of new rural non-farm residential lots and the placement of houses on such lots is to be considerate of traditional rural land uses and environmental features.

A broad range of uses are permitted on lands designated as “Rural”, which include, among others:

- / Agricultural uses;
- / Agriculturally related businesses and services;
- / Farm gate retailing, home based businesses, agriculturally related tourist commercial uses, etc...;
- / Residential dwellings which are accessory to an agricultural use;
- / Non-farm residential dwellings and accessory uses;
- / Small scale rural commercial and industrial enterprises which primarily engage in the buying and selling of goods and services to area residents, farms, business or to the travelling public;
- / Resource-based and resource-related industries;
- / Tourist commercial uses.

The following Rural policies relate to the subject properties and the proposed development:

- / Policy 1 of Section 3.3.6 (Severances and Lot Creation) states that farm-related severances may be considered for a farm dwelling built prior to adoption of the Community Official Plan (December 13, 2005), made surplus to a farming operation as a result of farm consolidation.
  - Farm consolidation means the acquisition of additional farm parcels to be operated as one farm operation and may include existing situations where a farm operation has two dwellings located on separate agricultural holdings. Only farmers who are expanding their farm holdings shall qualify for surplus farm dwelling severances.
  - 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 farmland parcel rendered vacant as a result of the severance.
  - 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.
  - The Municipality may request a condition on the Land Division Committee decision to require the registration of a covenant on the title of the property stating that the lot is adjacent to an agricultural area and may therefore be subjected to noise, dust, odours and other nuisances associated with agricultural activities.
- / Policy 2 states that severance for boundary adjustments between agricultural holdings may be permitted provided that no new lot is created, and the size of the parcels are appropriate for the type of agriculture proposed.

**The proposed severance and Zoning By-law amendment applications maintain the intent of the Agricultural and Rural policies of the Community Official Plan. The proposed severance is a surplus farm dwelling severance that will consolidate underutilized farmland with farmland at 775 Country Street that will be used for agricultural uses and agritourism uses. As indicated by Municipal Planning Staff, the dwelling on 785 Country Street has been in existence since before the 2005 adoption of the COP, and as such, the farm-related severance is supported. The future agricultural use of the severed lands may include an orchard, where a pick-your-own operation could take place, apiaries, sunflower fields and meadow lands, all of which are permitted in the COP. The surplus farm dwelling**

severance will contribute to the overall agricultural operation in addition to conserving agricultural land for agriculture uses.

Furthermore, a Zoning By-law amendment has been submitted. As part of the amendment, site-specific zoning will be established for the severed lands prohibiting future residential development in addition to reduced street frontage and reduced lot size requirements. The COP policies direct that the retained lands be kept to a minimum to keep as much agricultural land in production as possible. The retained lands at 785 Country Street have a lot area of approximately 2.2 hectares, however, this size has been maintained as a result of the location of the existing structures on the site, as well as the location of the existing established boundary (the existing easement for access) that bisects the site. The subject site has already been informally separated by the existing easement, so it is a natural, established feature for formalizing the division of the land. Instead of keeping prime agricultural land vacant, the land will for part of the agricultural plans for 775 Country Street. Using the existing easement/driveway as the boundary of the severance also results in no new driveway being created for either the severed or the retained lands, ensuring that Country Street is unaltered.

### 5.3.3 Environment Land Use Policies

The protection of the environmental features, water resources and ecosystems within Mississippi Mills are of central importance to the long-term health and prosperity of the area. The Community Official Plan contains policies which attempt to protect water resources, natural heritage features and other natural resources that may be impacts through site-specific development proposals.

The subject site at 775 Country Street is located abutting the Mississippi River, which has been designated as Significant Wetlands – Evaluated Provincial and ANSI – CanLife. The following policies relate to the subject properties and the proposed development:

- / Policy 6 of Section 3.1.3 (General Policies) states that development shall be implemented primarily through the use of zoning and site plan control in accordance with the relevant sections of this Official Plan.
- / Policy 7 states that where two or more natural heritage features overlap, the policies that provide the most protection shall apply (i.e. wildlife habitat and provincially significant wetlands).
- / Policy 9 states that nothing in these policies is intended to limit the ability of agricultural uses to continue.
- / Policy 3 of Section 3.1.4 (Environmental and Natural Heritage Features) states that development within 120 metres of provincially significant wetlands or 50 metres of a locally significant wetlands may take place in accordance with the land use designation shown on land use Schedule to this Plan only when it has been demonstrated through an Environmental Impact Study that there shall be no negative impacts on the natural features or ecological functions of these wetlands. This is not a setback requirement, but rather a requirement for a review of development proposal with the relevant adjacent lands.
- / Policy 6 states that all development within 120 metres of provincially significant wetlands or 50 metres of a locally significant wetland shall be subject to site plan control.
- / Policy 8 states that notwithstanding the above policies, established agricultural uses, existing at the date of the adoption of this Plan, are permitted to continue within and adjacent to provincially and locally significant wetlands. New or expanded agricultural structures or the clearing or draining of lands within the limits of wetlands are prohibited.
- / Policy 1 of Section 3.1.4.3 (Area of Natural and Scientific Interest) states that Development (subdivisions, site plan, zoning amendments, minor variances, consents) within 120 metres of a life science ANSI and within 50 metres of an earth science ANSI, may take place in accordance with the land use designation shown on the Schedules to this Plan only when it has been demonstrated through an Environmental Impact Study that there shall be no negative impacts on the natural features or ecological functions of the ANSI. This is not a setback requirement, but rather a requirement for a review of development proposals within the adjacent lands.

**The proposed consent and Zoning By-law amendment applications consist of land that is located outside of the 120 metre buffer zone between the provincially significant wetland and the ANSI – CanLife. As such, an Environmental Impact Statement is not required as part of this development application. It is noted, however, that any future development of the site at 775 Country Street, within the 120 metre buffer of the wetlands and ANSI will likely require an EIS at the site plan control stage.**

## 5.4 Zoning By-law

The subject properties are both currently split-zoned and subject to the Agriculture (A) and Rural (RU) zones in Comprehensive Zoning By-law #11-83, as shown on Figure 7, below.

The purpose of the Agricultural Zone is to:

- / Recognize and permit agricultural uses in areas designated Agricultural in the Community Official Plan;
- / Restrict the range of uses to agricultural, forestry and related accessory uses in order to preserve these prime agricultural areas from loss to other uses; and
- / Regulate uses in a manner that respects the character of the area and minimizes land use conflicts.

The purpose of the Rural Zone is to:

- / Accommodate agricultural, forestry, non-farm residential lots by severance in areas designated Rural in the Community Official Plan;
- / Recognize and permit this range of rural-based land uses which often have large lot or distance separation requirements; and
- / Regulate various types of development in manners that ensure compatibility with adjacent land uses and respect the rural context.

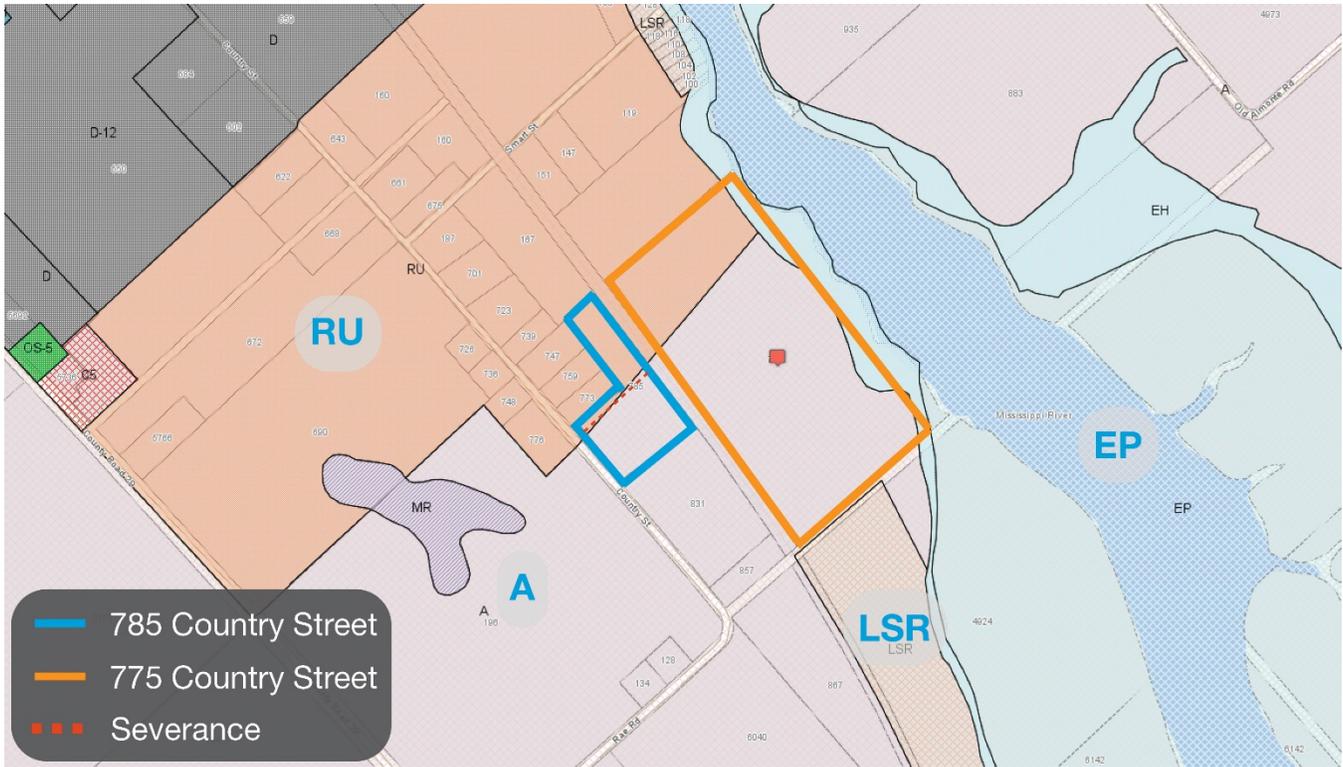


Figure 7. Excerpt of Zoning Map

The A and RU zones both permit a variety of uses, ranging from residential uses to non-residential uses, including agricultural uses.

**5.4.1 Zone Provisions and Analysis**

The proposed Zoning By-law Amendment for the severed lands is to rezone it entirely to Agricultural (A), with site-specific provisions including a minimum lot frontage of 20.16 metres to address the proposed surplus farm dwelling severance.

Table 2 provides a summary of the Agricultural and Rural zoning provisions. The table demonstrates how the development meets the provisions. The proposal’s compliance with the current zoning is noted with a **YES** and areas of non-compliance are noted with a **NO**. Please note that as the severed lands are split-zoned, the table above considers the most restrictive of the RU or A zones, being the A zone.

Table 2. Agricultural and Rural Zoning Summary

Provisions	RU Zone (Rural Use)	A Zone (Agricultural Use)	Proposed Development (Severed Lot added to 775 Country St.)	Compliance with Agriculture Zone
Minimum Lot Area	10 ha	40 ha	28.3 ha	NO
Minimum Lot Frontage	150 m	150 m	20.16 m	NO
Minimum Side Yard	15 m	20 m	>20 m	YES

<b>Minimum Rear Yard</b>	15 m	20 m	>20 m	YES
<b>Minimum Front Yard</b>	15 m	20 m	>20 m	YES
<b>Minimum Exterior Side Yard</b>	15 m	20 m	>20 m	YES
<b>Maximum Height of detached dwelling</b>	11 m	11 m	N/A	No dwelling is proposed
<b>Maximum Lot Coverage</b>	5%	5%	N/A	No new buildings are proposed
<b>Minimum Separation from an accessory detached dwelling to any structure where animals are housed</b>	30 m	30 m	>30 m	YES
<b>Minimum separation between non-farm buildings and structures on lands adjacent to the Agricultural designation</b>	150 m	N/A	N/A	No new non-farm buildings / structures are proposed.
<b>Parking</b>	N/A	Agriculture Use – 2 spaces per farm plus 3 per 100 m <sup>2</sup> of floor area of farm produce outlet	No change to parking spaces	YES

The proposal meets the general intent of the provisions of the Agricultural zone, however, relief will be required from the zoning provisions as detailed below.

#### 5.4.2 Proposed Zoning By-law Amendment

The Zoning By-law amendment proposes site-specific provisions to address minimum lot size and lot frontage, in addition to restricting a new residential dwelling on the site, as outlined below:

- / **Minimum Lot Size:** As shown on the site sketch and in the zoning table above, lands zoned as Agricultural (A) require a minimum lot size of 40 hectares. The site at 775 Country Street is approximately 26.8 hectares in size and will be approximately 28.3 hectares in size once the severed parcel is added. The proposed 28.3 hectare size lot still meets the intent of the Agricultural zone and brings the lot size further into compliance from its original size. The lands will still be able to be used for agricultural purposes without any impact to the surrounding area.
- / **Minimum Lot Frontage:** As shown on the site sketch and in the zoning table above, lands zones as Agricultural (A) require a minimum lot frontage of 150 metres for agricultural uses. The proposed development requires relief to permit a lot-frontage of 20.16 metres. This lot frontage brings the site further into compliance with the Agricultural zone by providing actual street frontage through the portion of the lands that are currently an easement for access - 775 Country Street as it exists today does not have any street frontage and is "landlocked". The existing easement acts as a natural separation between the proposed severed and retained lands at 785 Country Street.

- / **Restriction of new residential:** As outlined in the policy above, the vacant land that is rendered as a result of the surplus farm dwelling severance is required to be rezoned to restrict any new residential dwelling units from being constructed. The proposed use of the severed lands is not residential in nature and is a permitted use (agricultural use), and as such restricting new residential dwelling units on the site will not impact the future uses intended for the property. This ensures that the policies restricting new residential development through consent applications are respected.

## 5.5 Consent Application

It is our professional planning opinion that the application meets the criteria for lot division as described in Sections 53(1), 53(12) and 51 of the *Planning Act*. As the proposal does not include an internal road network, major servicing or other elements of a subdivision, the following criteria are generally those which apply to applications for consent:

### a) The effect of development of the proposed subdivision on matters of provincial interest

Lot creation for a residence surplus to a farming operation is aligned with the agricultural policies of the Provincial Policy Statement (PPS, 2020). The PPS provides direction on the wise use and management of resources, recognizing that Ontario's long term prosperity, environmental health, and social well-being depend in part on protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits. The proposed application conforms to the objectives and intent of the PPS and support several policies, including:

- / 2.3.1 – Prime agricultural areas shall be protected for long-term use for agriculture.
- / 2.3.3.1 – In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses.
- / 2.3.3.2 – In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.
- / 2.3.4.1 – Lot creation in prime agricultural areas is discouraged and may only be permitted for:
  - a) Agricultural uses, provided that the lots are of a size appropriate for the type of agricultural uses(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
  - b) Agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
  - 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 service; 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; and
  - d) Infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.
- / 2.3.4.2 – Lot adjustment in prime agricultural areas may be permitted for legal or technical reasons.

**The proposed consent application represents an opportunity for the protection of prime agricultural land within the Province. Additionally, the concurrent Zoning By-law amendment will prohibit any new residential dwellings on the severed parcel of the land, aligning with the PPS and provincial interests.**

**b) Whether the proposed subdivision is premature or in the public interest**

The proposed severance will result in underutilized farmland being added to an active farming operation with the intent of being an agritourism destination for visitors and residents within Mississippi Mills.

**The proposed severance is not premature and is technical in nature to convey underutilized land to an active farming operation. The proposal represents the protection of prime agricultural land within the Municipality, with no new development in terms of buildings or structures being proposed on any lands involved.**

**c) Whether the plan conforms to the official plan and adjacent plans of subdivision, if any**

The subject properties are both split-designated as Rural Lands and Agricultural Lands in the Lanark County Sustainable Communities Official Plan and in the Municipality of Mississippi Mills' Community Official Plan. Both designations permit a range of agricultural uses in addition to permitting severances for surplus farm dwellings. The lands are not located within or adjacent to a plan of subdivision.

**The proposed consent and Zoning By-law amendment conform to the Lanark County Sustainable Communities Official Plan and the Municipality of Mississippi Mills Community Official Plan.**

**d) The suitability of the land for the purposes for which it is to be subdivided**

The application proposes to create one (1) vacant lot that will be added to an active farming operation at 775 Country Street, with the retained parcel being unchanged aside from lot size and frontage. The consolidation of farmland is supported in the County and Municipality's Official Plans.

**The proposed lots are in keeping with the overall intent of the PPS and Official Plans where prime agricultural land shall be protected for the long-term. Additionally, the severed land is suitable for the proposed agricultural uses, and through the Zoning By-law Amendment, will not permit new residential development on severed lands.**

**f) The dimensions and shapes of the proposed lots**

The severed lands have been maximized based on the existing established boundary across the access easement to 775 Country Street. The additional 1.5 hectares of land to be severed and added to 775 Country Street increases the available land for agricultural uses, which is supported and encouraged. The severed lands are also L-shaped, which fits easily into the existing lot fabric along Country Street, while also providing frontage for 775 Country Street, an otherwise landlocked parcel. The retained lands, although still quite large in lot size, cannot be reduced without creating odd-shaped lots not necessarily suitable for agricultural use.

**The proposed lots are capable of being used for agricultural uses and will be similar in size and shape to other lots in the area. Through the Zoning By-law amendment application, the minimum lot size and lot frontage of the severed lands will be brought into compliance.**

**g) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land**

The subject properties are currently split-zoned Agricultural (A) and Rural (RU) in the Municipality of Mississippi Mills Comprehensive Zoning By-law #11-83. The severed lands are subject to a concurrent Zoning By-law amendment to alter the minimum lot size and frontage for the lands. As a result of the Zoning By-law amendment, the Consent proposal will meet all of the applicable performance standards in the Agricultural (A) zone.

**The proposed development does not impose any restrictions on adjacent lands and is generally compatible with the applicable performance standards in the zoning by-law. The only imposed restriction is proposed and related to the prohibition of new residential uses on the severed lands.**

**h) Conservation of natural resources and flood control**

The subject property at 775 Country Street abuts the Mississippi River and as a result abuts lands that are designated as Provincially Significant Wetland and ANSI – CanLife and is also subject to a floodplain. The severed lands will be added to the subject property south of the Ottawa Valley River Trail, which is approximately 300 metres from the River, outside of the required area for an Environmental Impact Statement.

**No negative impacts of the proposed severance and rezoning are anticipated on the adjacent natural resources and floodplain.**

**In our professional opinion, a full Plan of Subdivision is not required, and the consent application is appropriate for the site. The resulting lots will both front onto a municipal right-of-way, are capable of being used for agricultural uses, and are compatible with the surrounding lot fabric. The proposed consent application and concurrent Zoning By-law amendment brings an otherwise landlocked parcel into compliance with all guiding policy documents and contributes to the protection of prime agricultural land as laid out in the PPS and County and Municipal Official Plans.**

## 6.0 Conclusions

It is our professional opinion that the proposed consent and Zoning By-law amendment applications to permit the proposed development on the subject property constitutes good planning and is in the public interest. The proposed consent application meets the criteria for lot division under the *Planning Act*, and will result in the creation of one (1) new vacant lot that will be added to the adjacent property at 775 Country Street to expand the existing agricultural operation. Additionally, the proposed Zoning By-law amendment will ensure that the severed lands are in compliance with the performance standards set out in Comprehensive Zoning By-law #11-83, with the requested amendments being appropriate for the lands. Further, the severance of the lands will not result in the creation of a new lot for residential purposes outside of the settlement area, as per the concurrent Zoning By-law Amendment.

Sincerely,



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