

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

DATE: August 23, 2022

TO: Committee of the Whole

FROM: Jeffrey Ren, Planner

SUBJECT: **Zoning By-law Amendment - Z -08-22
Concession 5, Part Lot 10; Parts 7, 8, 10 and 11 on Plan 27R-
5214, Ramsay Ward, Municipality of Mississippi Mills
Municipally known as 1267-1281 Rae Road**

OWNER: Diane Sheets

APPLICANT: Ruth Ferguson Aulhouse, RFA Planning Consultants Inc.

RECOMMENDATION:

THAT the Committee of the Whole recommend that Council approve the Zoning By-law Amendment to amend the zoning of the subject lands which are municipally known as part of 1267-1281 Rae Road from “Rural” Zone (RU) to “Rural Special Exception 41” Zone (RU-41) in order to implement a 30-metre setback from lands which are being utilized as part of an active agricultural operation as required by the Community Official Plan Rural-Agriculture Overlay policies, as detailed in Attachment A.

BACKGROUND:

The properties subject to the Zoning By-law Amendment are two severed lots that received conditional approval from the Lanark County Land Division Committee on May 10, 2022 (B21/212 & B21/213).

The following lots were conditionally created as a result of the consent applications:

- **Severed Lot #1 (B21/212):** The severed lot measures 1.02 hectare (2.52 acres) in area with 115.27 m of frontage along Rae Road. The lot is currently vacant, and the intent is to create a non-farm residential dwelling on the lot. No plans for a rural residential building have been submitted.
- **Severed Lot #2 (B21/213):** The severed lot measures 1.05 hectare (2.59 acres) in area with 113.27 m of frontage along Rae Road. The lot is currently vacant,

and the intent is to create a non-farm residential dwelling on the lot. No plans for a rural residential building have been submitted.

- **Retained Lot:** The property at 1267-1281 Rae Road will retain 92.5 hectares (228.57 acres) with 475.32 m of frontage on Rae Road. The retained lands contain farmland, existing dwellings and a number of accessory structures. The existing agricultural operation on the retained lot is active and is considered a 'Locally Significant Agricultural Operation'.

Figure 1 below shows both the severed and retained properties. As noted earlier, the severed lots are the subject property for this Zoning By-law Amendment.

Figure 1: Severed Lots and Retained Lot



 Severed Lots - Area to be rezoned from *Rural Zone* (RU) to *Rural Special Exception 41 Zone* (RU-41)

 Retained Lot

Both the subject and retained lots are subject to the policies contained in Section 3.3.4 of the Community Official Plan (COP); these policies require that any new non-farm residential buildings maintain a setback of 30 metres from any active agricultural operations, which is a policy unique to Mississippi Mills Community Official Plan. The setbacks are intended to be applied on both lands affected directly by the Rural-Agriculture Overlay and on lands where the surrounding lands support active agricultural activities. In order to implement the policies of the COP on the newly created rural residential lots, a Zoning By-law Amendment to apply the 30-metre setback to the severed lot was included as a condition of approval for the aforementioned consent application (B21/212 & B21/213). It is noted that the creation of these lots meets Minimum Distance Separation (MDS) requirements as well as all the lot creation policies.

PURPOSE AND EFFECT:

The purpose and effect of the Zoning By-law Amendment is to implement the Rural-Agriculture Overlay policy by rezoning the subject properties from Rural Zone (RU) to Rural Special Exception Zone (RU-41) to implement the required 30 metre setback from adjacent agricultural operations as required in the Community Official Plan policies of the Rural-Agricultural Overlay.

DESCRIPTION OF PROPERTY & SURROUNDING LAND USES:

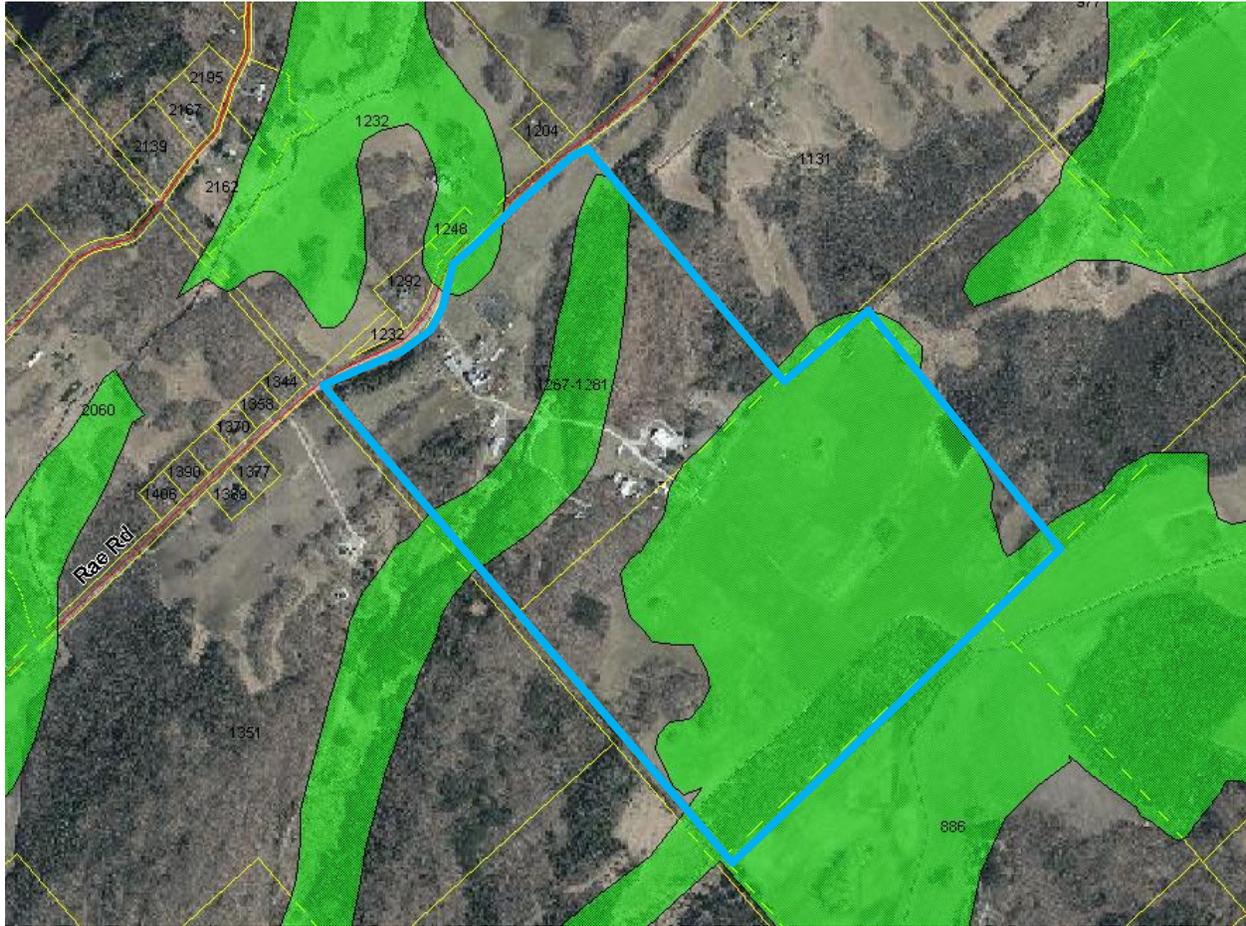
The subject property, locally known as 1267-1281 Rae Road, is located in the Ramsay Ward. The overall property at 1267-1281 Rae Road is split zoned Rural (RU) and Rural, Special Exception 31 (RU-31); and contains farmland, existing dwellings, and a number of accessory structures. A seasonal Place of Assembly is an additional permitted use on the lands zoned RU-31.

The lands subject to Zoning By-law Amendment are the two conditionally severed lots; both are currently vacant and located at the northern corner of the property in an area zoned Rural. The conditionally severed lots are intended to be used for non-farm residential uses; both severed lots meet the minimum lot area and frontage requirements of the RU Zone and both lots front onto Rae Road, a municipally owned and maintained road.

The immediate surrounding character is predominantly rural, with larger rural lots, active agricultural operations, along with some smaller rural residential lots on lands zoned *Rural* (RU). The location of the subject lands within the Municipality is depicted in the figure above.

Portions of both the subject lands and the retained lands are affected by a Rural-Agriculture Overlay in the Community Official Plan (COP) (Figure 3). The existing agricultural operation on the retained lot is active and is considered a 'Locally Significant Agricultural Operation'.

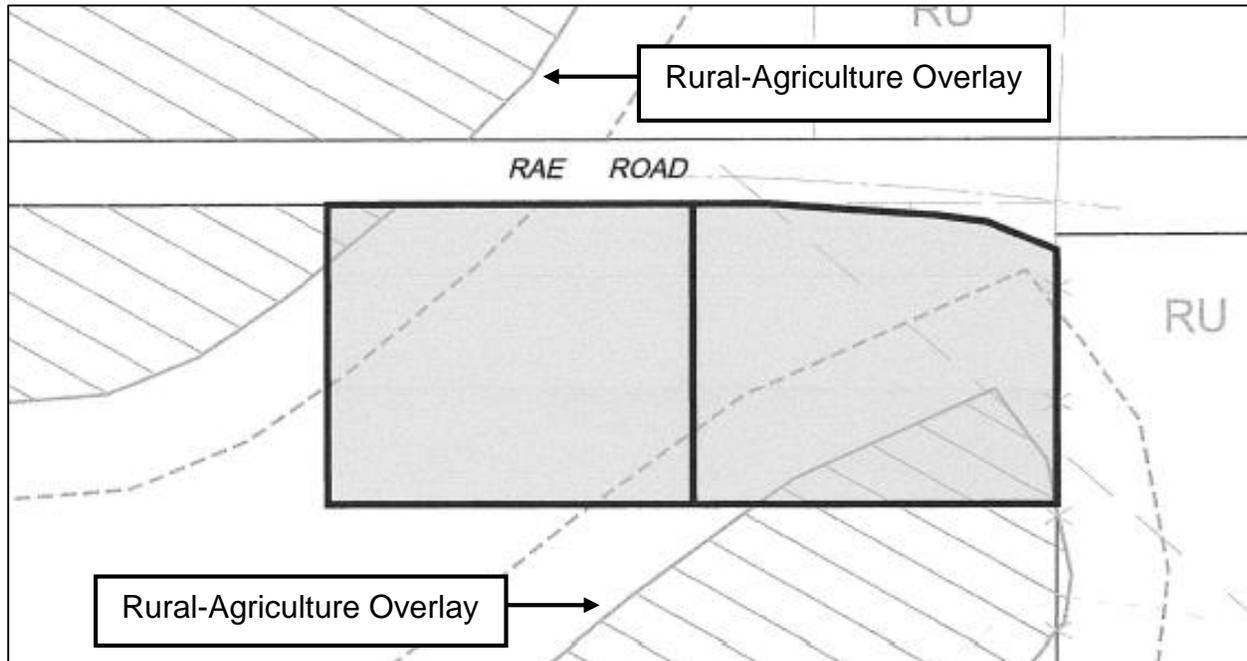
Figure 2: Local Context



 Overall Property - 1267-1281 Rae Road

 Rural Agriculture Overlay

Figure 3: Extract from Applicant's Sketch Showing the Subject Lands and the 'Rural Agriculture' Overlay



SERVICING & INFRASTRUCTURE:

The conditionally severed parcels are currently vacant. To facilitate the development of a single detached dwelling, the applicant will be required to obtain the necessary building permits, septic and well approvals to service the proposed single detached dwelling.

Staff do not foresee any servicing or infrastructure concerns resulting from the proposed Zoning By-law Amendment.

COMMUNITY OFFICIAL PLAN (COP):

As previously mentioned, the subject lands are designated "Rural" in the Community Official Plan (COP). The Rural designation permits non-farm residential dwellings and related accessory uses.

As shown in Figures 2 and 3, portions of the lands are subject to a Rural-Agriculture Overlay in the COP. The lands affected by the Rural-Agriculture Overlay, which represent and identifies Class 1 to 3 soils as per the Canada Land Inventory outside of a Prime Agricultural Area, are subject to the policies of Section 3.3.4 of the COP. The existing agricultural operation on the retained lot at 1267-1281 Rae Road is active and is considered a 'Locally Significant Agricultural Operation'. Section 3.3.4 of the COP requires that any new non-farm residential buildings maintain a setback of 30 metres from any active agricultural operations. The setbacks are intended to be applied on both

lands affected directly by the overlay and on lands where the surrounding lands support active agricultural activities.

As previously mentioned, the subject lands are designated “Rural” in the Community Official Plan (COP). The Rural designation permits non-farm residential dwellings and related accessory uses.

As shown in Figures 2 and 3, portions of the lands are subject to a Rural-Agriculture Overlay in the COP. The lands affected by the Rural-Agriculture Overlay, which represent and identifies Class 1 to 3 soils as per the Canada Land Inventory outside of a Prime Agricultural Area, are subject to the policies of Section 3.3.4 of the COP. The existing agricultural operation on the retained lot at 1267-1281 Rae Road is active and is considered a ‘Locally Significant Agricultural Operation’. Section 3.3.4 of the COP requires that any new non-farm residential buildings maintain a setback of 30 metres from any active agricultural operations. The setbacks are intended to be applied on both lands affected directly by the overlay and on lands where the surrounding lands support active agricultural activities.

ZONING BY-LAW #11-83:

The subject lands are presently zoned Rural (RU) as per the Comprehensive Zoning By-law #11-83. The Rural Zone permits a variety of uses rural and agricultural uses, including residential uses. At the time of this Zoning By-law Amendment application, no plans for a dwelling were submitted. The subject Zoning By-law Amendment is simply for the purpose of implementing the required 30-metre setback as required by the Official Plan policies. Any dwelling constructed on the lot would be required to conform to the performance standards of the RU Zone.

As shown on the table below, the conditionally severed vacant lot meets the minimum lot frontage and minimum lot area requirements of a non-farm residential use in the Rural Zone.

Lot Frontage, Minimum (m)		Lot Area, Minimum (ha)	
Required	Proposed	Required	Proposed
45	115.27 (Severed Lot #1) 113.27 (Severed Lot #2)	1	1.02 (Severed Lot #1) 1.05 (Severed Lot #2)

As required by the conditions imposed on the associated consent files (B21/212 & B21/213), the proposed lots need to be rezoned from Rural Zone (RU) to Rural Special Exception 41 (RU-41) to facilitate residential development. The special exception is required to implement the 30-metre setback from active agricultural operations to residential lots.

PUBLIC AND AGENCY COMMENTS RECEIVED:

Staff circulated the application in accordance with the provisions of the Planning Act to the public, internal departments and external agencies and organizations. At the time of preparation of this report, no questions or comments were received.

EVALUATION:

Community Official Plan (COP)

As noted above, the subject property is designated “Rural” in the COP and is subject to a Rural-Agriculture Overlay. The creation of a lot intended for non-farm residential use requires a Zoning By-law Amendment to implement the COP’s Rural-Agriculture Overlay policies. The need for the Zoning By-law Amendment was identified as part of the severance process. The general objectives of the “Rural” designation are to provide an appropriate range of rural land uses while protecting rural resources, traditional land uses, and environmental features. By implementing a 30-metre setback from an active agricultural use, the Zoning By-law amendment will work to ensure that the new lot does not sanitize any active nearby agricultural operations.

Staff are of the opinion that the proposed Zoning By-law Amendment to implement the COP’s Rural-Agriculture Overlay policies is entirely in conformity with the intent of the COP.

Zoning By-law #11-83

As previously mentioned, the subject property is zoned “Rural” (RU Zone). The Rural Zone permits a variety of uses rural and agricultural uses, including residential uses. Through the materials submitted for the severance application, Staff are satisfied that the subject Zoning By-law Amendment would allow for the creation of a viable non-farm residential lot that conforms to the applicable minimum lot frontage and lot area requirements. MDS calculations and other such agriculture related considerations were also submitted during the severance stage to demonstrate the lack of adverse impacts on the retained agricultural operation. The implementation of the 30-metre setback does not preclude the development of a non-farm residential dwelling as intended. Any dwelling constructed on the lot would be required to conform to the performance standards of the RU Zone.

Staff are satisfied that the proposed Zoning By-law Amendment is in conformity with the intent of the Zoning By-law.

SUMMARY:

Having reviewed and assessed the proposed Zoning By-law Amendment application, Staff are satisfied that the proposal is consistent with the Provincial Policy Statement 2020, conforms to the intent of the Community Official Plan and conforms to the intent

of Zoning Bylaw #11-83. As the proposed Zoning By-law Amendment complies and conforms to all applicable policies based on the analysis included herein, staff have no concerns regarding the proposed Zoning By-law Amendment.

It is the professional opinion of the Planning Department that the proposed Zoning By-law Amendment is appropriate, desirable and represents good planning.

Respectfully submitted by,

Reviewed by,



Jeffrey Ren
Planner

Melanie Knight, MCIP, RPP
Senior Planner

ATTACHMENTS:

1. Attachment A – Proposed Zoning By-law