



PLANNING EVALUATION REPORT

Meeting Date: July 17, 2017
 Submitted by: Christie Basalle, RPP, Planner
 Subject: **Application for Consent B10-2017**
Part of Lot 26, Concession 2, N.E.R
(Geographic Township of Adelaide)
4121 Crathie Drive
Owners: John & Jean Milligan

BACKGROUND

The purpose of Application for Consent B10-2017 is to permit the severance of a residence from a farm parcel, facilitating the creation of a new lot to dispose of a residence surplus to a farming operation as a result of consolidation.

The subject property is approximately 39.7 ha (98 ac) in size and extends along Crathie Drive, lying between Newell Road and Wood Road within the geographic Township of Adelaide, Township of Adelaide Metcalfe.

The proposal is summarized below:

	'Lands to be severed' <i>4121 Crathie Drive</i>	'Lands to be retained' <i>Remnant Farm Parcel</i>
Lot Frontage	100.2 m (328.7 ft)	125.7 m (412.4 ft)
Lot Depth	72.76 m (238.7 ft)	Irregular
Lot Area	0.73 ha (1.8 ac)	38.97 (96.3 ac)

The lands proposed to be severed contain an existing single detached dwelling constructed in 1994. The dwelling is privately serviced with an individual septic system and well. The lands proposed to be severed include an existing access onto Crathie Drive. Crathie Drive is classified as a 'local road' under the jurisdiction of the Township of Adelaide Metcalfe.

The lands proposed to be retained, being the remnant farm parcel, are un-serviced and largely in agricultural production. There does not appear to be access from Crathie Drive to the lands proposed to be retained.

Surrounding land uses are predominantly agricultural. A small portion of the subject lands are located within an area regulated by the Ausable Bayfield Conservation Authority.

Key Map 1 illustrates the full extent of the subject property and surrounding land uses.

Key Map 2 illustrates a close up of the original proposal for the lot to be severed.

Key Map 3 illustrates a close up of the recommended lot to be severed with well easement.



PLANNING EVALUATION REPORT

Policy and Regulatory Context

2014 Provincial Policy Statement (PPS)

The subject property is located within a 'Prime Agricultural Area'. Section 2.3 of the PPS addresses agricultural land use. Policy 2.3.4.1 – Lot Creation and Lot Adjustments directs that lot creation may be permitted for a residence surplus to a farming operation as a result of farm consolidation, provided the new lot is limited to a minimum size needed to accommodate the use of appropriate sewage and water services, and new residential dwellings are prohibited on the remnant parcel of farmland.

Middlesex County Official Plan

The subject property is located within the 'Agricultural Area' designation on Schedule 'A' of the County Official Plan. The intent of the 'Agricultural Area' designation is to protect lands for agricultural uses.

Section 4.5.3.4 of the Plan indicates that consent to sever a residence surplus to a farming operation as a result of farm consolidation may be permitted, provided the residence was built prior to January 1, 1999 and that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.

Township of Adelaide Metcalfe Official Plan

The subject property is located within the 'Agricultural Areas' designation on Schedule 'A-1' of the Township's Official Plan. The intent of the 'Agricultural Areas' designation is to protect the agricultural land base for the maintenance of the economic and social fabric of the community. The primary use of land in this designation shall be farming, which includes the use of land for the growing of crops, raising of livestock, aquaculture and agroforestry.

Through Official Plan Amendment No. 10, the Township's agricultural consent policies were amended to permit the severance of dwellings surplus to a farming operation as a result of farm consolidation. The severance of dwellings surplus to the needs of a farming operation as a result of farm consolidation may be considered where the following criteria have been satisfied:

- a) Farm consolidation occurs or has occurred through the acquisition of an additional farm parcel.
- b) The farming operation consists of at least two farms. The farms can be located in different municipalities and the registered ownership of the farms need not be in the same name provided it is demonstrated that the farms are operated as a single farming operation.
- c) It is demonstrated that the dwelling is surplus to the needs of the farm operation.
- d) The dwelling was built prior to the timeframe specified by the County's Official Plan [January 1, 1999].
- e) The dwelling is habitable and in compliance with the Township's Property Standards By-law to the satisfaction of the Township's Chief Building Official.



PLANNING EVALUATION REPORT

- f) The proposed lot is the minimum size needed to accommodate the residential use and private on-site services. The loss of agricultural land shall be also avoided wherever possible when determining an appropriate lot size. Any substandard servicing shall be brought to minimum standards to the satisfaction of the Township's Chief Building Official.
- g) Farm buildings deemed surplus to the needs of the farm or incompatible with the proposed residential lot if retained with the farm, may require demolition or removal. Proximity to the residential use, proposed lot lines, compliance with Minimum Distance Separation (MDS I) and the structural condition of farm buildings shall be governing factors as to whether demolition or removal is required. Farm buildings shall not be included with the proposed residential lot unless deemed structurally sound and in good condition by the Township's Chief Building Official and provided they do not exceed the requirements implemented through the Township's Comprehensive Zoning By-law.
- h) The raising of livestock shall be prohibited on the proposed residential lot and implemented through the Township's Comprehensive Zoning By-law.
- i) New and independent vehicular access to both the lot to be severed and the remnant farm parcel shall be provided, if necessary, in accordance with the requirements of the road authority having jurisdiction.
- j) Any new residential use is prohibited on the remnant farm parcel and implemented through the Township's Comprehensive Zoning By-law.
- k) A notice is registered on the title of the proposed residential lot specifically notifying owners of normal farm practices, as outlined in the Farming and Food Production Act, 1998, as amended.

Township of Adelaide Metcalfe Zoning By-law No. 34-2007

The subject property is zoned both 'General Agriculture (A) Zone' and 'Environmental Protection (EP) Zone' within the local Zoning By-law. The 'General Agriculture (A) Zone' permits a range of agricultural and related uses. The 'A' zone requires a minimum lot area of 40 ha (98 ac) with a minimum lot width of 150 m (492 ft). The 'Environmental Protection (EP) Zone' permits only conservation, existing agriculture and passive recreational uses. No new buildings shall be permitted within the 'EP' zone.

To facilitate the creation of the new lot to dispose of the surplus dwelling, both the lot to be retained and the lot to be severed would require zone changes. The intent of the 'Agriculture Only (AO) Zone' is to prohibit new residential uses on the remnant farm parcel. The intent of the 'Surplus Dwelling (SD) Zone' is to restrict the use of parcels resulting from the disposal of surplus farm dwellings.



PLANNING EVALUATION REPORT

ANALYSIS

The Provincial Policy Statement (PPS), County Official Plan and Township's Official Plan generally permit lot creation in agricultural areas to dispose of a dwelling surplus to a farming operation as a result of farm consolidation subject to evaluation criteria.

Planning staff is satisfied that a farm consolidation has been achieved in that John and Jean Milligan currently own two farm holdings, totaling approximately 80 ha (198 ac) of land. The two farm holdings are operated as single farm operation with an additional dwelling being located on the home farm at 3963 Crathie Drive. The surplus dwelling located on the lands proposed to be severed appears to be habitable with a construction date prior to January 1, 1999.

The proposed severance was evaluated in accordance with the Minimum Distance Separation (MDS) Formula Implementation Guidelines. Planning staff note that MDS I is not applied when a dwelling to be severed is already located on a separate lot from a livestock barn or facility. As the lands proposed to be retained do not contain livestock barns or facilities, planning staff has determined that MDS I does not apply.

Planning staff note that the frontage of the lands proposed to be severed extends into lands currently in agricultural production to accommodate a private water well located approximately 20.7 m (67.9 ft) to the west of the existing fence line. The applicants have requested an additional 15.85 m (52 ft) of frontage to the west of the well. Planning staff recommends that the frontage of the lot proposed to be severed be reduced from 100.2 m (328.7 ft) to 63.62 m (208.73 ft). This recommended modification would result in a lot area of approximately 0.46 ha (1.14 ac). Planning staff further recommend that an easement be established over the lands proposed to be retained in favour of the lands proposed to be severed to facilitate access to the existing private water well. Planning staff note that the Provincial Policy Statement, County Official Plan, and Township Official Plan generally permit the establishment of easements for technical or legal purposes where a new lot is not created. It is noted that the recommended change in the proposed lot size would also leave all the lands currently zoned 'Environmental Protections (EP) Zone' with the retained parcel.

The portion of the lands to be retained that are currently zoned 'General Agriculture (A) Zone' will require a zone change to 'Agricultural Only (AO) Zone' to prohibit new residential uses on the remnant farm parcel. The lands proposed to be severed will require a zone change to 'Surplus Dwelling (SD) Zone' to recognize the disposal of the surplus farm dwelling and limit the uses permitted on the lands. No zone change is required on the lands currently zoned 'EP'.

Planning staff is satisfied that the criteria for the severance of a surplus farm dwelling on the lands can be appropriately addressed via conditions of consent.



PLANNING EVALUATION REPORT

Consultation

The application was circulated to the prescribed agencies, as well as surrounding property owners.

The Township's Chief Building Official advised of the following requirements:

- That the owners provide proof of adequate and potable water supply.
- That a qualified septic installer provide a report and confirm the location of the Norweco Singulair Bio-Kinetic Waste Water Treatment System installed on October 5, 1993. There is currently a Use Permit on file.

The Township's Drainage Superintendent indicated that there are no municipal drains impacting the proposed severed lands, there are no concerns related to the proposed severance application.

The Ausable Bayfield Conservation Authority indicated no concerns from a natural heritage or natural hazard perspective.

As of the date of this report, no comments or concerns have been received from the public regarding the proposal.

RECOMMENDATION

THAT Application for Consent B10-2017, submitted under Section 53 of the Planning Act, be **GRANTED** subject to conditions.

FURTHER THAT Application for Consent B10-2017 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the Planning Act shall be given within one year of the date of the notice of the decision.
2. That the Applicants' Solicitor submits an undertaking in a form satisfactory to the Secretary-Treasurer of the Committee of Adjustment to register an electronic transfer of title exactly consistent with the Acknowledgement and Direction executed by the applicants and the decision of the Committee of Adjustment.
3. That the applicant revise the area of the lot to be severed to be approximately 0.46 ha (1.14 ac) with a frontage of approximately 63.62 m (208.73 ft) along Crathie Drive.
4. That the applicant establish a permanent easement over the lands to be retained in favour of the lands to be severed to facilitate access to the existing private water well.
5. That the lands to be severed be re-zoned to '**Surplus Dwelling (SD) Zone**' and that the portion of the lands to be retained which are currently zoned 'General Agriculture (A) Zone' be re-zoned to '**Agriculture Only (AO) Zone**'.
6. That an adequate and potable on-site water supply be demonstrated to exist on the land to be severed, to the satisfaction of the Township's Chief Building Official.



PLANNING EVALUATION REPORT

7. That a qualified septic installer provide a report and confirm the location of the Norweco Singulair Bio-Kinetic Waste Water Treatment System installed on October 5, 1993, to the satisfaction of the Township's Chief Building Official.
8. That the dwelling unit be deemed to be habitable by the Township's Chief Building Official.
9. That independent accesses to the lands to be severed and the lands to be retained are provided, to the satisfaction of Township.
10. That, if necessary, a revised assessment schedule in accordance with the Drainage Act, as amended, be commissioned and paid for by the owners, to the satisfaction of the Township.
11. That the owner enter into a severance agreement with the Township in order to advise future owners of the severed lot of Consent B10-2017 of normal farm practices occurring in the area as outlined in the *Farming and Food Production Protection Act, 1998*, as amended.
12. That any outstanding property taxes for the severed and retained lots of Consent B10-2017 be paid in full.
13. That a preliminary survey showing the location of the permanent easement, the lands being severed and the location of all buildings and structures including their setbacks from the property lines and the location of the private water well and the septic tank and tile field be submitted to the satisfaction of the Township.
14. That two copies of the reference plan are submitted to the satisfaction of the Township.

AND FURTHER THAT the recommended amendment to Application for Consent B10-2017, which proposes to establish a permanent easement over the lands to retained in favour of the lands to be severed to facilitate access to a private water well, be **GRANTED**.

Reasons

Consistency with the Provincial Policy Statement would be maintained;
Conformity with the County of Middlesex Official Plan would be maintained;
Conformity with the Township of Adelaide Metcalfe Official Plan would be maintained; and
Subject to Condition 5, the requirements of the Township of Adelaide Metcalfe Zoning By-law would be satisfied.