



PLANNING EVALUATION REPORT

Meeting Date: July 17, 2017
 Submitted by: Christie Kent, RPP, Planner
 Subject: **Application for Consent B12-2017**
Part of Lot 10, Concession 6
(Geographic Township of Metcalfe)
2123 Melwood Drive
Applicants: Delmar and Sherri Dodge

BACKGROUND

The purpose of Application No. B12-2017 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 proposal also seeks to establish a permanent easement over the parcel proposed to be retained in favour of the parcel proposed to be severed for access to an existing private water well.

The subject property is approximately 40.5 ha (100 ac) in size and extends along Melwood Drive within the geographic Township of Metcalfe in the Township of Adelaide Metcalfe.

The proposal is summarized below:

	'Lands to be severed'	'Lands to be retained' (<i>Remnant Farm Parcel</i>)
Lot Frontage	38 m (124.6 ft) <i>Melwood Drive</i>	262 m (259.6 ft) <i>Melwood Drive</i>
Lot Depth	110 m (360.9 ft)	Irregular
Lot Area	4,180 m ² (1.03 ac)	40.08 ha (99.04 ac)

The lands proposed to be severed contain an existing single detached dwelling constructed circa 1972 and an accessory building (garden shed). The dwelling is privately serviced with an individual septic system and well. It is noted that the location of the existing well is located on the lands proposed to be retained, and as such, the applicants have also required consent to establish an access easement over the lands to be retained to allow for continued access to the well. The lands proposed to be severed include an existing access onto Melwood Drive. Melwood Drive is classified as a 'local road' under the authority of the Township of Adelaide Metcalfe.

The lands proposed to be retained, being the remnant farm parcel, contain an agricultural building (quonset) and lands largely in agricultural production. The lands proposed to be retained and the existing agricultural building are independently accessed from Melwood Drive.

Surrounding land uses are predominantly agricultural. A small portion of the lands proposed to be retained are located within an area regulated by the St. Clair Region Conservation Authority.

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



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Key Map 2 illustrates a close up of the lot proposed to be severed and the proposed well easement.

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 and appropriate sewage and water services, and new residential dwellings are prohibited on the remnant parcel of farmland.

With respect to the proposed access easement, Policy 2.3.4.2 of the PPS directs that lot adjustments may be permitted for legal or technical reasons. Legal or technical reasons is defined within the PPS to include severances for purposes of creating easements where a new lot is not created.

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.

Section 4.5.3.1 of the Plan indicates that easements are not necessarily subject to the consent policies of the County Official Plan and such applications should be evaluated based on site specific considerations established in local official plans.

A portion of the lands are identified as 'Significant Woodlands' on Schedule 'C' of the County Official Plan.

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:



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- a) Farm consolidation occurs or has occurred though 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.
 - 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.
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Section 3.1.9.3 of the Township's Official Plan indicates that technical severances for minor boundary adjustments, easements or other situations where an additional lot is not being created are permitted.

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

The subject property is zoned 'General Agricultural (A) Zone' and 'Environmental Protection (EP) Zone' within the local Zoning By-law. The 'General Agricultural (A) Zone' permits a range of agricultural and related uses. The A1 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.

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 Delmar and Sherri Dodge currently own four farm holdings, totaling approximately 132 ha (326 ac) of land area, which are operated as a single farm operation. The surplus dwelling located on the lands was constructed prior to January 1, 1999. The applicants have advised that the existing dwelling is habitable.

Planning staff advise that the lands to be retained will require a zone change to 'Agriculture Only (AO) Zone' to prohibit new residential uses on the remnant farm parcel. The lands 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.

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

Planning staff are of the opinion that the establishment of an access easement to the existing private well is consistent with the PPS, as lot creation to dispose of a surplus farm dwelling should be limited to the minimum size needed to accommodate the use. Extending the proposed lot boundary to include the existing water well would remove lands from agricultural production. As such, it is the opinion of planning staff that the establishment of an access easement over the lands proposed to be retained in favour of the lands proposed to be severed to facilitate access to an existing water well is appropriate and represents sound land use planning.



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Consultation

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

The Township's Chief Building Official offered the following comments with regard to the application to sever a surplus farm dwelling:

- Proof of an adequate and potable water supply is required.
- The existing septic system is required to be upgraded to bring the system up to the current Ontario Building Code standards as no record of a Use Permit or Certificate of Approval exists within municipal records.
- The steel quonset building is not to house livestock or is to be removed from the lands to be retained.
- The owner is to confirm that the dwelling is habitable.

The Township's Drainage Superintendent indicated no drainage concerns with respect to this application.

The St. Clair Region Conservation Authority indicated that as the proposed severance is substantially setback from the natural hazard and natural heritage features, the Conservation Authority does not have concerns with the consent application.

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 B12-2017, submitted under Section 53 of the Planning Act, be **GRANTED** subject to conditions.

FURTHER THAT Application for Consent B12-2017 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 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.
4. 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'.



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5. That an adequate and potable water supply be demonstrated to exist to the satisfaction of the Township's Chief Building Official.
6. That the existing septic system be upgraded to bring the system up to the current Ontario Building Code standards to the satisfaction of the Township's Chief Building Official.
7. That the dwelling be deemed to be habitable by the Township's Chief Building Official.
8. That the existing steel quonset building located on the lands to be retained be made incapable of housing livestock or be otherwise removed from the lands to the satisfaction of the Township's Chief Building Official.
9. 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.
10. That the owner enter into a severance agreement with the Township in order to advise future owners of the severed lot of Consent B12-2017 of normal farm practices occurring in the area as outlined in the *Farming and Food Production Protection Act, 1998*, as amended.
11. That any outstanding property taxes for the severed and retained lots of Consent B12-2017 be paid in full.
12. 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 replacement septic system be submitted to the satisfaction of the Township.
13. 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 B12-2017, which proposes to establish a permanent easement over the lands to be 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 4, the requirements of the Township of Adelaide Metcalfe Zoning By-law would be satisfied.