



## PLANNING EVALUATION REPORT

Meeting Date: July 17, 2017  
 Submitted by: Christie Basalle, RPP, Planner  
 Subject: **Application for Consent B14-2017**  
**Part of Lots 6 & 7, Concession 14**  
**(Geographic Township of Metcalfe)**  
**5864 Inadale Drive**  
**Owner: Jacoba Dodge**

### BACKGROUND

The purpose of Application for Consent B14-2017 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 30.9 ha (76.4 ac) in size and extends along Inadale Drive, lying between Mayfair Road and Springfield Road in the geographic Township of Metcalfe within the Township of Adelaide Metcalfe.

The proposal is summarized below:

	'Lands to be severed' <i>Original Proposal</i>	'Lands to be retained' <i>Remnant Farm Parcel</i>
Lot Frontage	91.44 m (300 ft)	361.24 m (1,185 ft)
Lot Depth	57.912 m (190 ft)	670.56 m (2,200 ft)
Lot Area	0.53 ha (1.3 ac)	30.39 (75.1 ac)

The lands proposed to be severed contain an existing single detached dwelling constructed in 1992, a concrete silo and an accessory building. 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 applicant has also requested 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 Inadale Drive. Inadale 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 Inadale Drive to the lands proposed to be retained.

Surrounding land uses are predominantly agricultural. A significant portion of the subject lands are located within an area regulated by the St. Clair Region Conservation Authority and has been identified as lands containing natural hazards.



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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 with well easement.

Key Map 3 illustrates a close up of the recommended lot to be severed with 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 of appropriate sewage and water services, and new residential dwellings are prohibited on the remnant parcel of farmland.

Section 3.1 of the PPS addresses natural hazards. Policy 3.1.1 directs that development shall generally be directed to areas outside of hazardous lands and hazardous sites. The definition of 'development' within the PPS includes the creation of a new lot.

#### 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.



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- 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.

The subject property is located within the Conservation Authority regulated area on Schedule 'B' of the Township's Official Plan. The Official Plan indicates that a 'one zone' floodplain management system is applied within the Township, which prohibits development within the

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floodplain. Policy 2.2.3 b) states that developments or site alterations proposed within these areas or on adjacent land may be subject to the completion of a Development Assessment Report acceptable to the Township following a review by the conservation authority.

### 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 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.

## 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. The subject lands owned by Jacoba Dodge form part of a significant farm operation consisting of multiple holdings under the ownership of Dodge Farms Limited, Steven Dodge, and Steven Dodge and Jeff Denning. The farm operation is comprised of over 440 ha (1090 ac) of land with at least three additional farm dwellings. The surplus dwelling located on the lands proposed to be severed is currently occupied and was constructed 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 appears to extend beyond the area required to accommodate the proposed residential use. The applicant has proposed to include a portion of land to the west of the existing driveway, having an approximate width of 28 m (92 ft) and comprising an area of roughly 1,620 m<sup>2</sup> (0.4 ac), within the proposed severed lot. Planning staff note that these lands have been removed from agricultural production and currently contain a concrete silo and secondary access from Inadale Drive. It is the opinion of planning staff that the lands are located within the 'Environmental Protection (EP) Zone' and



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that they should remain with the lands proposed to be retained. Planning staff recommends that proposed frontage of the lands to be severed be reduced to approximately 65 m (213 ft). Planning staff further recommends that the well easement be extended over these lands as necessary.

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'.

The St. Clair Region Conservation Authority (SCRCA) has indicated concerns with the proposal as it relates to natural hazards. The subject property is located within the flooding and erosion hazard of the Douglas Drain and within the estimated floodplain. SCRCA has recommend that a flood assessment should be undertaken and the assessment should assess if the proposed new lot is located outside of a flooding hazard and if safe access during a flooding emergency is available. The SCRCA recommends that the application be deferred until the assessment has been untaken.

Planning staff is supportive of the application in principle as it appears to meet the policies regarding the severance of a surplus farm dwellings, however until such time that consistency with the Provincial Policy Statement with respect to natural hazards has been demonstrated and concerns of the SCRCA have been addressed, planning staff recommend that the application be deferred.

### 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 the existing septic system be upgraded to bring the system up to the current Ontario Building Code standards. Municipal records do not contain information on a Use Permit or a Certificate of Approval being issued.
- That the concrete silo be demolished.
- That the owner confirm that the dwelling is habitable.

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 St. Clair Region Conservation Authority indicated concerns related to natural hazards on the subject lands. The SCRCA has recommended that the application be deferred until a site specific flooding assessment has been completed to the satisfaction of the SCRCA.

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

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### RECOMMENDATION

THAT Application for Consent B14-2017, submitted under Section 53 of the Planning Act, be **DEFERRED** until the applicant has adequately addressed the concerns of the St. Clair Region Conservation Authority.