



REPORT
TOWNSHIP
PLANNING/BUILDING/ENVIRONMENTAL
COMMITTEE

DATE: April 9, 2018

REPORT NO: PD-048-18

SUBJECT: **Technical Report**
Proposed Amendment to Existing Surplus Farm Residence
Consent Policies
Official Plan Amendment No. ##

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OVERVIEW:

- Over the last four years (2014-2017) there have been over 20 surplus farm residence severances completed. Five additional applications have been received to date this year.
- The Provincial Policy Statement allows for residential holdings to be severed off of agricultural lots if they are surplus to a farmer's needs at the time of farm consolidation.
- Unlike lands that are within the Greenbelt in Niagara, which requires that the dwelling be older than December 16, 2004 to be eligible for severance, Good General Agricultural lands have no limitation on the age of the dwelling, only its habitability.
- A recent surplus farm residence application that has been submitted was for a dwelling built in 2016. Another similar application is forthcoming. In order to restrict surplus farm residence severances of newly built houses and to stop possible construction with the full expectation that a consent is possible, staff are proposing to adopt the same policies found within the Regional Official Plan Greenbelt Policies, only permitting surplus farm severance with a house built prior to December 16, 2004.
- Further proposed changes presented in the official plan amendment include: a minimum amount of actively farmed farmland, a limit on the number of surplus farm severances per agricultural property and a stipulation on the maximum size of a surplus residential lot.
- Planning Staff recommend that the draft Official Plan Amendment be circulated to all applicable agencies and the public, and a public meeting be held at a future Planning/Building/Environment Committee Meeting, as required by the Planning Act.

RECOMMENDATION:

1. That, Report PD-048-18, regarding "Proposed Amendment to Existing Surplus Farm Residence Consent Policies Official Plan Amendment No. ##", dated April 9, 2018, be RECEIVED; and,

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2. That, the attached “Draft” Official Plan Amendment (OPA No. ##) be circulated to all agencies and the public for comment by Committee and Council at a future meeting; and,
3. That, staff circulate the draft policies as attached, to all agencies for specific input to discuss the draft policies in detail with Regional planning; and
4. That, a future Recommendation Report be prepared incorporating input and comments received at the Public Meeting and from review agencies.

ALIGNMENT TO STRATEGIC PLAN

- **Value**
Strive to remain a safe, caring and friendly community.
- **Objective**
To preserve and protect prime agricultural areas for long-term use for agriculture

BACKGROUND:

In the 1996 Provincial Policy Statement, the Province of Ontario permitted farm retirement lots, residential infilling and consents that severed residences surplus to a farming operation. In the 2005 Provincial Policy Statement retirement lots and Residential infilling were removed, and stronger rules were placed on surplus residence severances. These included restricting any future residential development on the retained agricultural lands in perpetuity. These rules remain unchanged in the 2014 Provincial Policy Statement.

In addition to the Provincial Policy Statement, the Greenbelt Plan provides further policy regarding surplus farm severances. Within areas regulated by the Greenbelt Plan, called Unique Agricultural Lands, surplus farm severances are further limited, by only permitting severances of dwellings that existed prior to the implementation of the Greenbelt Plan (December 16, 2014) (Section 4.6 f.). West Lincoln has a small amount of Unique Agricultural Lands, located north of Young Street and east of Thirty Road. This results in two sets of Official Plan policies regarding Surplus Farm Residence Severances; one for the unique agricultural area and one for the good general agricultural area.

Planning staff are proposing to merge these policies, adding limitations on surplus farm residence severances, ensuring that the policies are being used appropriately; minimizing the amount of lands zoned Agricultural Purposes Only, and the ability of new houses being severed from the agricultural parcels. The proposed revisions would also

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ensure that retained agricultural parcels are of an appropriate size to maintain flexibility for a variety of agricultural uses.

CURRENT SITUATION:**Provincial Policy Statement**

The Provincial Policy Statement (2014) states that the creation of new residential lots in prime agricultural areas is not permitted except through the provisions of disposal of a residence surplus to a farmer's needs. This is typically done during a time of farm consolidation when the farmer has recently obtained an additional farm with a surplus dwelling. The PPS requires that the new lot be limited to a minimum size needed to accommodate the use and appropriate sewage and water services. A minimum and maximum residential lot size of 1 acre has typically been used in West Lincoln. The PPS also requires that the retained agricultural land be prohibited from any future residential development. This is typically done through a rezoning of the retained agricultural lands to Agricultural Purposes Only 'APO' in perpetuity.

The proposed amendment (see attached) to the Surplus dwelling severance policies of the Official Plan will remain aligned with the PPS, continuing to require that the retained agricultural lands be zoned APO and the severed dwelling be limited to 1 acre.

Township Council has the ability to further limit severance policies, but has no ability to be less restrictive than the existing Regional and Provincial Policy.

Greenbelt Plan

The Greenbelt Plan (2017), in alignment with the PPS, only permits the creation of new residential lots through Surplus dwelling severances, provided that the severance is limited to the minimum size needed to accommodate the use and sewage and water services, and that the retained agricultural lands be zoned to prohibit future residential uses. Additionally, within unique agricultural areas, the Greenbelt Plan requires that dwellings be existing prior to the implementation of the Greenbelt Plan (December 16, 2004).

The proposed Official Plan Amendment is aligned with the Greenbelt Plan by extending the criteria of minimum dwelling age to the Good General Agricultural area as well. This would result in only dwellings constructed prior to December 16, 2004 being eligible for a surplus farm severance, provided they can meet all other requirements.

Regional Official Plan

The Regional Official Plan also permits Surplus residence severances provided they meet the minimum criteria set out in Policy 5.B.8 b) for Unique Agricultural Areas, and Policy 5.B.8.1 c) for Good General Agricultural Areas. Both Policies require that the

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retained agricultural lands be rezoned to Agricultural Purposes Only, and that the severance can only occur through a recent farm consolidation. The only difference is that in the Unique Agricultural Areas (as regulated through the Greenbelt Plan) the dwelling must have existing prior to December 16, 2004 (the date the Greenbelt Plan was implemented).

The proposed amendments (see attached) to the Township Official Plan are aligned with the Regional Official Plan as it maintains the requirement for the retained agricultural lands to be zoned for Agricultural Purposes Only, restricting future residential development, and maintaining the requirement for Unique Agricultural Lands to have a dwelling built prior to December 16, 2004 to be eligible for a Surplus Dwelling Severance.

Township Official Plan

The existing Township Official Plan text is similar to the Regional policies in that they have two sets of policy; Section 18.13.2 g) for Good General Agricultural Areas, and Section 18.13.2 h) for Unique Agricultural Areas. The existing policies are attached to this report.

The existing language is aligned with the PPS, Greenbelt Plan and Regional Official Plan in that it has the requirements to rezone the retained agricultural lands to Agricultural Purposes Only, and has the requirement for the residential parcel to remove as little agricultural land as possible.

Additionally the existing policies add the requirement that the dwelling must be habitable, the new lot complies with the Minimum Distance Separation Formula, and that the severed and retained lot complies with the Township Zoning Bylaw.

Within the last four years there have been approximately 25 surplus farm severance applications made to the Township and approved. The majority of these severances resulted in a rural residential lot and an agricultural lot now zoned Agricultural Purposes Only. Recently staff have been getting inquiries about surplus farm severances which meet the existing official plan policies, but does not achieve the overall goal and objectives of protecting the Agricultural land (Section 4.2). Inquiries have included the potential to sever off newly constructed dwellings, sever residents with a land base in excess of 1 acre, and sever agricultural parcels which are undersized or the majority of which is not actively farmed.

Most recently there has been two applications for severance (conditionally approved) to sever off two legally established residences from one agricultural parcel. There has also been an application and conditionally approval for a surplus farm severance for a dwelling built in 2016.

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Planning staff feel that it is important to add additional policy to limit the number of surplus farm residence severances for the long term protection of agricultural lands. As committee and Council has discussed previously, the presence of APO zoning has limitations placed on the farmers ability to use the lands, especially where a residence is required.

The proposed changes are attached to this report. A summary of the changes is provided below:

1. Combine the Official Plan Surplus Residence Severances for the Unique and Good General Agricultural lands to create one uniform policy for the entire Township
2. Limit the eligibility for surplus farm severances in the Good General Agricultural Area by adding a minimum dwelling age (built prior to December 16, 2004).
3. Limit the eligibility for surplus farm severances in all areas to parcels with a minimum of 10 hectares to be actively used for the growing of crops or the raising of livestock.
4. Adding a minimum lot size of 0.4 hectares (1 acre).
5. Limiting surplus farm severances to one per property.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report or the proposed changes to the Official Plan.

INTER-DEPARTMENTAL COMMENTS

There are no interdepartmental or agency comments at this time as the proposed changes have not yet been circulated. It is proposed that the draft changes be circulated to the Region prior to a public meeting to be held at a future Planning Building and Environment Committee Meeting.

CONCLUSION

Staff have prepared the draft Official Plan Amendment for consideration of Committee and the public and for circulation to review agencies which will provide an opportunity for the public and other agencies to review the draft proposed policies and to provide comments prior to a future recommendation report.

ATTACHMENTS

1. Draft Official Plan Amendment
2. Original Surplus Farm Residence Severance Official Plan Policies

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- l) Consents will be permitted for infrastructure corridors and facilities where easements or rights of ways are not feasible.

18.13.2 Agriculture Consent Policies

In areas designated "Agriculture" on the Land use Plan, consents for conveyance will be in accordance with the following Policies and Actions:

- a) Where the land being conveyed or retained is for agricultural purposes, consent may be granted where both the severed and the retained parcels respect the need for long term agricultural flexibility. In determining if the land is to be used for agricultural purposes, the following criteria will be met:
 - i. Agriculture must be the intended use of the lands being retained and severed
 - ii. Smaller lot severances for greenhouses can be permitted subject to the condition that any new dwellings on the property are allowed only after the greenhouse and other farm buildings have been constructed or substantially completed. It is important that small lot severances for greenhouse operations be of sufficient size so that these ample room for future purposes.
- b) Where the land being conveyed or retained is for a commercial or industrial use which is related to the processing of agricultural products or the servicing of farms and is required in proximity to farms, a consent may be granted subject to the agriculture policies of this plan as they apply to Agriculture Commercial and Industrial Uses.
- c) Where the land being conveyed is from an existing non-farm parcel, a consent may be granted to sever lands to be added to an existing abutting farm operation.
- d) Where the land being conveyed is to be added to an abutting, existing non-farm use, consents will be allowed provided that a minimum amount of productive agricultural land is involved and the conveyance is for legal or technical reasons.
- e) Conveyances for agricultural purposes will be subject to the applicable minimum distance separation requirements and where intensive animal operations are involved a Nutrient Management Plan or other Municipal or Provincial approvals will be required prior to severance.

- f) Where land is being conveyed as part of a minor boundary adjustment, which do not result in the creation of a new lot, consent applications are permitted for legal or technical reasons.
- g) Consents will not be allowed which have the effect of creating lots for non-farm uses. Non-farm rural residential lots will not be allowed with the exception of Surplus Farm Dwelling severances. In the Good General Agricultural Area where a dwelling is acquired through farm consolidation and is surplus to the needs of the farm operation it may be severed subject to the following:
 - i. The residence is surplus to a farm operator (farmer).
 - ii. It is the intention to utilize the existing building and the Council and/or Building Inspector will not issue a demolition permit or building permit for a new residence unless the existing residence has been occupied for a reasonable length of time, or has, after transfer, been partially destroyed by fire or other natural disaster.
 - iii. Where a barn exists in the immediate vicinity to the surplus residence, Council may require the demolition of the barn.
 - iv. That the area to be severed and the remnant parcel shall comply with provisions of the Zoning By-law.
 - v. That the consent complies with the Minimum Distance Separation Formula I.
 - vi. The separated residential parcel will not include any more Good General Agricultural lands than is required to support the residence and the private services required to serve that residence.
 - vii. The remnant farmland shall be rezoned (APO) Agricultural Purposes Only in perpetuity.
- h) Where consent applications are proposed for a Surplus Farm Dwelling within the Unique Agricultural Area as a result of a farm consolidation, and the residence is surplus to the needs of the farm operation, it may be severed subject to the following:
 - i. That the residence subject to the application of consent existed as of the date the Greenbelt Plan came into effect.
 - ii. It is the intention to utilize the existing building and the Council and/or Building Inspector will not issue a demolition permit or building permit for a new residence unless the existing residence has been occupied

for a reasonable length of time, or has, after transfer, been partially destroyed by fire or other natural disaster.

- iii. Where a barn exists in the immediate vicinity to the surplus residence on the lands that are subject to the consent, the Committee may require the demolition of the barn.
- iv. That the area to be severed and the remnant parcel shall comply with provisions of the Zoning By-law.
- v. The separated residential parcel will not include any more Unique Agricultural Lands than is required to support the residence and the private services required to serve that residence.
- vi. That the remnant farm land shall be rezoned (APO) Agricultural Purposes Only on perpetuity.

18.13.3 Natural Environment Consent Policies (for EPA & ECA lands)

In areas designated Natural Environment on the Land Use Plan, consents for conveyance will be granted in accordance with the following policies:

- a) All consents must conform with the Natural Environment policies of the plan.
- b) Consents may be granted for the conveyance of land to public bodies or agencies engaged in the protection, reestablishment and management of the natural environment.
- c) Consents may be granted where both the severed and retained parcels satisfy the agricultural policies of this plan.
- d) Consents may be granted for title correction purposes and for minor lot boundary adjustments.

18.13.4 Consent Policies for Smithville

In areas designated on Schedule 'B-4' on the Land Use Plan, consents for conveyance will be granted in accordance with the following policies:

- a) It is intended that most new lots will be created by the registered plan of subdivision process subject to the policies of this Plan and The Planning Act (RSO 1990).

17.13.2 Agriculture Consent Policies

g) Consents will not be allowed which have the effect of creating lots for non-farm uses. Non-farm rural residential lots will not be allowed with the exception of Surplus Farm Dwelling severances. In the Good General Agricultural Area and within the Unique Agricultural Area, where a dwelling is acquired through farm consolidation and is surplus to the needs of the farm operation it may be severed subject to the following:

- i) The residence is surplus to a farm operator (bona-fide farmer)
- ii) That the residence subject to the application for consent existing as of the date that the Greenbelt plan came into effect (December 16, 2004).
- iii) It is the intention to utilize the existing building and the Council and/or Building Inspector will not issue a demolition permit or building permit for a new residence unless the existing residence has been occupied for a reasonable length of time, or has, after transfer, been partially destroyed by fire or other natural disaster.
- iv) Where a barn exists in the immediate vicinity to the surplus residence on the lands that are subject to the consent, the Committee may require the demolition of the barn.
- v) That the area to be severed and the remnant parcel shall comply with the provisions of the Zoning By-law. In greater detail, the retained agricultural lands must have a minimum of 10 hectares being actively used for the growing of crops, the raising of livestock or the raising of other animals for food, fur or fiber.
- vi) That the consent complies with the Minimum Distance Separation Formula I.
- vii) The separated residential parcel has a minimum lot size of 0.4 hectares and will not include any more Good General Agricultural Lands or Unique Agricultural Area than is required to support the residence and the private services required to serve that residence. Under no circumstances shall a severed residential lot be greater than 1.0 hectares.
- viii) The remnant farmland shall be rezoned (APO) Agricultural Purposes Only in perpetuity.
- ix) Where there are two dwellings on one lot, and neither was built for the purpose of a permanent farm help house, only one surplus farm severance shall be permitted.

h) REMOVED (Unique Agricultural Surplus Farm Severance Policy)