

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

BY-LAW NO. 20-066


BEING a by-Law to Adopt Amendment No. 24 to the Mississippi Mills Community Official Plan.

WHEREAS the recommendation has been made to Municipality of Mississippi Mills Council by the Committee of the Whole that the Explanatory Text and Schedule "A" constituting Amendment No. 24 to the Mississippi Mills Community Official Plan, be adopted by the Council in accordance with the provisions of the Planning Act, R. S. O. 1990.

NOW THEREFORE the Council of the Corporation of the Municipality of Mississippi Mills ENACTS as follows:

1. That Amendment No. 24 to the Mississippi Mills Official Plan, a copy of which is attached to and forms part of this By-law, is hereby adopted.
2. That the Clerk is hereby authorized and directed to make application to the County of Lanark for the approval of the aforementioned Amendment No. 24 to the Mississippi Mills Community Official Plan.

BY-LAW read, passed, signed and sealed in open Council this **25th day of August, 2020.**



Christa Lowry, Mayor



Jeanne Harfield, Clerk



**AMENDMENT NO. 024
TO THE COMMUNITY OFFICIAL PLAN
OF THE MUNICIPALITY OF MISSISSIPPI MILLS**

- PART A - CERTIFICATE OF COMPLIANCE with the requirements for giving of notice of open house, public meeting
- PART B - THE PREAMBLE does not constitute part of this Amendment.
- PART C - THE AMENDMENT consisting of the following schedules and explanatory text constitutes Amendment No. 024 to the Community Official Plan of the Municipality of Mississippi Mills.

**PART A - CERTIFICATE OF COMPLIANCE WITH THE REQUIREMENTS FOR
GIVING OF NOTICE PUBLIC MEETING**

I, Niki Dwyer, Director of Planning for the Municipality of Mississippi Mills, hereby certify that Official Plan Amendment **No. 024** has been adopted and processed in accordance with the notice, public meeting and notice of adoption requirements under Sections 17(15), 17(17), 17 (19), 17(20), and 17(23) of the Planning Act, RSO 1990 as amended.



Niki Dwyer MCIP, RPP, MA BES
Director of Planning
Municipality of Mississippi Mills

PART B - THE PREAMBLE

Purpose and Effect of the Amendments

The purpose of the Community Official Plan Amendment is to amend Policy 3.3.6(1) to alter the construction date limitations for surplus farm dwelling severances on Rural (RU) designated lands to be consistent with surplus farm dwelling severance policies applied to Agricultural (A) designated lands.

The proposed amended text is as follows:

*“1. Farm-related severances may be considered for a farm dwelling built prior to **the adoption of the Community Official Plan (December 13, 2005) 1978**, made surplus to a farming operation as a result of farm consolidation. Farm consolidation means the acquisition of additional farm parcels to be operated as one farm operation and may include existing situations where a farm operation has two dwellings located on separate agricultural holdings. Only farmers who are expanding their farm holdings shall qualify for surplus farm dwelling severances.*”

The Town shall impose a condition on the severance of the surplus farm dwelling which shall require a zoning by-law amendment prohibiting the construction of a new residential dwelling on the farm land parcel rendered vacant as a result of the severance.

The lot area and frontage for surplus farm dwelling lots should be kept to a minimum in order to keep as much land in agricultural production as possible.

The Town may request a condition on the Land Division Committee decision to require the registration of a covenant on the title of the property stating that the lot is adjacent to an agricultural area and may therefore be subjected to noise, dust, odours and other nuisances associated with agricultural activities.”

The proposed amendment will have the result of increasing the potential number of eligible surplus farm dwelling severances in the community.

Location and Site

The amendment will impact all properties designated Rural in the Community Official Plan. A copy of the draft Rural Lands Schedule is attached for reference.

BASIS

The PPS provides policy direction on matters of provincial interest related to land use planning and development. As per Section 3(5)(a) of the *Planning Act*, R.S.O. 1990, all planning decisions must be consistent with the PPS.

The PPS provides a hierarchy of lands uses for rural areas. Rural areas may be

divided into three general sub-classes: rural lands, rural settlement areas, and prime agricultural lands.

Rural areas: means a system of lands within municipalities that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas.

Rural lands: means lands which are located outside settlement areas and which are outside prime agricultural areas.

Settlement areas: means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:

- a) built up areas where development is concentrated and which have a mix of land uses; and
- b) lands which have been designated in an official plan for development over the long-term planning horizon provided for in policy 1.1.2. In cases where land in designated growth areas is not available, the settlement area may be no larger than the area where development is concentrated.

Prime agricultural land: means specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection.

Rural area policies generally encourage supporting the viability and health of rural areas by leveraging rural amenities, character and assets and encouraging the conservation and redevelopment of existing rural housing stock to support growth principals consistent with the resiliency policies of Policy 1.1.1.

1.1.4.1 Healthy, integrated and viable rural areas should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;
- c) accommodating an appropriate range and mix of housing in rural settlement areas;
- d) encouraging the conservation and redevelopment of existing rural housing stock on rural lands;
- e) using rural infrastructure and public service facilities efficiently;

In rural areas Policy 1.1.4.2 instructs that rural settlement areas shall be the focus of growth and rural lands shall be planned to accommodate "limited residential development" (Policy 1.1.5.4)

The purpose of Amendment 24 is to change lot creation policies on “rural lands”.

The PPS encourages Municipalities to manage development on Rural Lands to ensure compatibility with both the landscape and sustainable service levels (Policy 1.1.5.3).

Within Rural Lands, opportunities to support and promote a diversified rural economy should be considered through the protection of agricultural and other resource-related uses particularly by directing non-related development to areas where it will minimize constraints on rural uses (Policy 1.1.5.7).

Prime Agricultural lands have stringent land use policies prescribed in addition to Rural Area policies in Policy 2.3 of the PPS. Specific Lot Creation and Lot Adjustment policies apply on Prime Agricultural Lands which discourage lot creation with the exception of a limited number of exemptions. One such exemption is for a “*residence surplus to a farming operation*”:

Residence surplus to a farming operation: means an existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

Policy 2.3.4.1 prescribes that lot creation may only be permitted for:

c) a residence surplus to a farming operation as a result of farm consolidation, provided that:

- 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and*
- 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and*

The introduction of “surplus farm dwelling severances” in the Community Official Plan stems from the PPS policies prescribed above. However, while the PPS policies only apply specifically to prime agricultural lands, the Official Plan has mirrored these same severance rights on Rural lands as well.

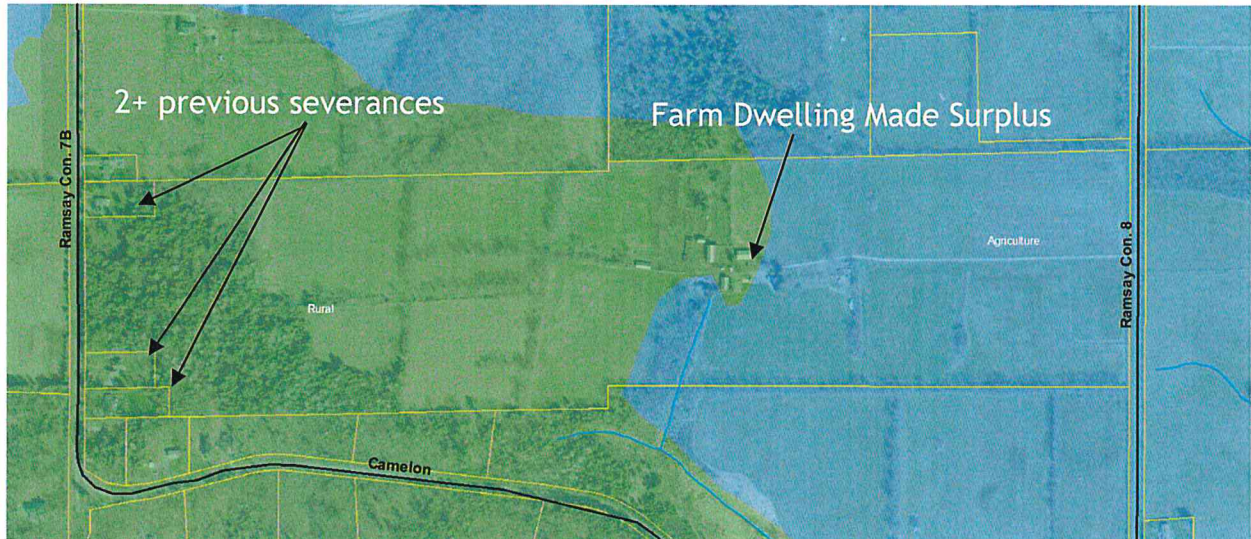
Properties designated Rural (RU) in the Community Official Plan are subject to “limited residential development” severance policies in accordance with the

Provincial Policy Statement. These policies specify a limit of two created lots, plus the parent parcel, provided no severances have been approved since 1973, unless otherwise provided in the Plan (Policy 3.3.6.4). These policies are less restrictive than those applied to Agricultural lands where lot creation for new development is strictly prohibited.

The Rural policies acknowledge that agricultural lands uses may be appropriate and occurring despite the lands not being classified as “Agricultural” in the Plan. The Agricultural designation applies specifically to properties which are identified as having Prime Agricultural Soil, while Rural designations apply to all other land outside of urban settlement areas.

As a result, there are instances where rural farms may result in the creation of a surplus farm dwelling and consolidation of a farm. This is particularly true where properties see split designations within the holding.

Figure 1 – Split Designation Example:



In cases where a Rural property has had two previous severances in accordance with Policy 3.3.6.4, the property may also have eligibility for a “surplus farm dwelling severance” for the purpose of consolidating the holding with another farming operation. This in essence creates a “third severance”, but only where the property owner consents to restrict any future development of the remnant farm lands in accordance with the policies of the Provincial Policy Statement.

PART C THE AMENDMENT

INTRODUCTORY STATEMENT

All of this part of the document entitled "PART C - The Amendment" and consisting of the following text constitutes amendment No. 24 to the Mississippi Mills Community Official Plan.

DETAILS OF THE AMENDMENT

The Municipality of Mississippi Mills Community Official Plan, as amended, is hereby further amended by revising the policy in Section 3.3.6 as follows:

“3.3.6 Severances and Lot Creation

Severances and the creation of lots within the Rural designation shall be limited to the following:

- 1. Farm-related severances may be considered for a farm dwelling built prior to **the adoption date of the Community Official Plan (December 13, 2005) 1978**, made surplus to a farming operation as a result of farm consolidation. Farm consolidation means the acquisition of additional farm parcels to be operated as one farm operation and may include existing situations where a farm operation has two dwellings located on separate agricultural holdings. Only farmers who are expanding their farm holdings shall qualify for **surplus farm dwelling** severances.*

*The Town shall impose a condition on the severance of the **surplus farm dwelling** which shall require a zoning by-law amendment prohibiting the construction of a new residential dwelling on the farm land parcel rendered vacant as a result of the severance.*

*The lot area and frontage for **surplus farm dwelling** lots should be kept to a minimum in order to keep as much land in agricultural production as possible.*

The Town may request a condition on the Land Division Committee decision to require the registration of a covenant on the title of the property stating that the lot is adjacent to an agricultural area and may therefore be subjected to noise, dust, odours and other nuisances associated with agricultural activities.”