

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: B7/24
Related Application(s): PAC14-24
Owner(s): 2838220 ONTARIO INC
Meeting Date: January 31st, 2025
Prepared by: Owen Curnew, Development Planner

PROPERTY INFORMATION:

Municipal Address	5974 5 th Sideroad
Legal Description	ESSA CON 5 E PT LOT 6 AND RP;51R28779 PARTS 1 AND 2
Roll No.	432101000117300
Official Plan	Agricultural & C.A.R.E
Zoning By-law	Agricultural (A) Zone

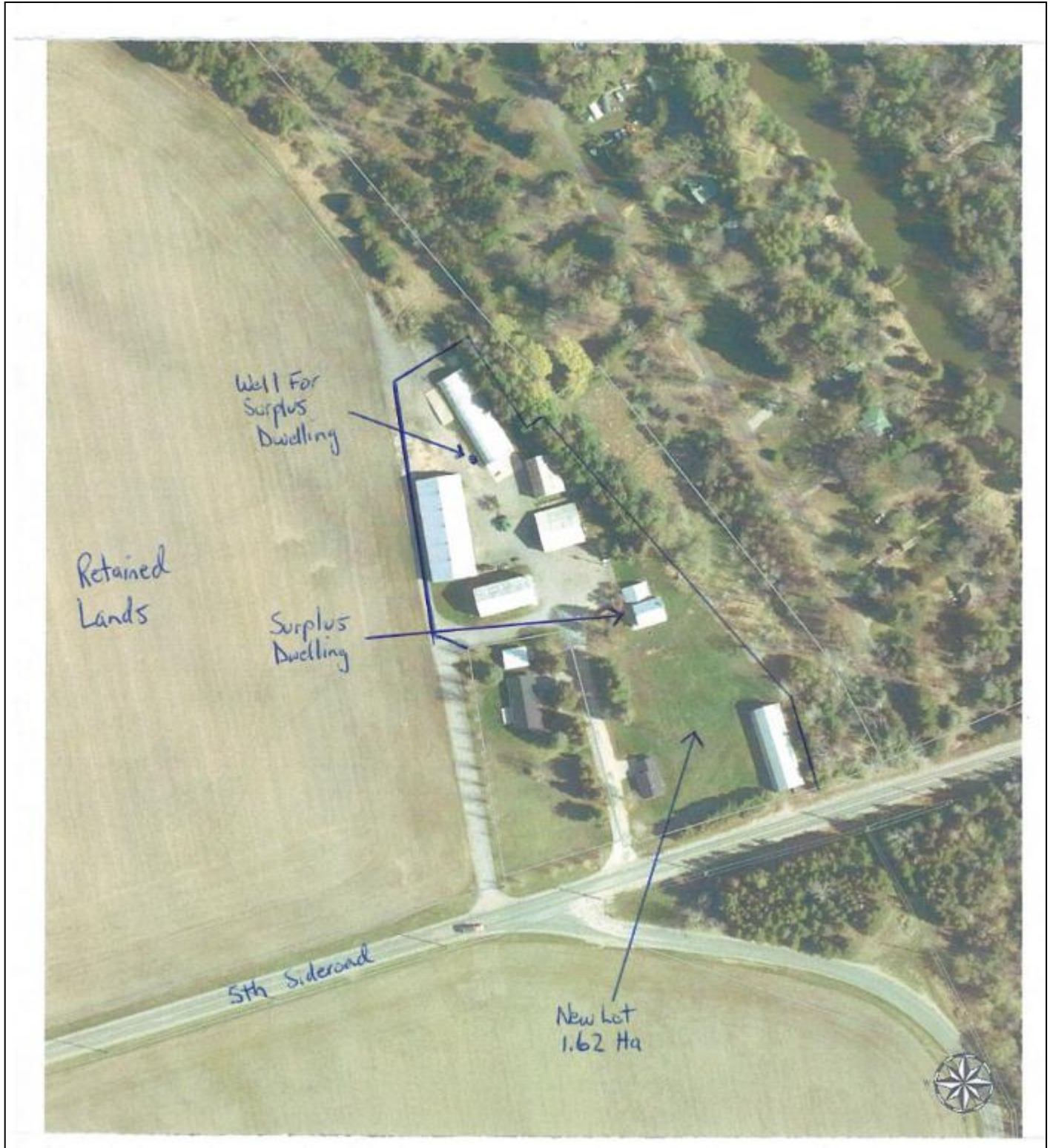
RECOMMENDATION:

Staff recommends **APPROVAL** of Application B7/24 for the following reasons:

1. That a reference plan of the severed parcel(s) be prepared by an Ontario Land Surveyor and copies provided to the Secretary-Treasurer. The plan should be approved by Township Staff prior to depositing it in the Land Registry Office.
2. That the applicant provides to the Secretary-Treasurer of the Committee of Adjustment copies of transfer documentation associated with the lands.
3. That all municipal taxes be paid up to date.
4. That any and all external costs associated with this application be borne by the applicant.
5. That the applicant provides staff with the subject property's Farm Registration Number.
6. The applicant provides an affidavit declaring that the retained lands containing the actively farmed portion of land, be sold to a farmer or corporate farming operation within the Township, within five (5) kilometers (measured by travelled road) from the base farm.
7. The applicant shall commit to applying for all required buildings permits to register one of the existing dwellings as the primary dwelling, and another one as an Additional Residential Unit (ARU). In the event the applicant does not apply for an ARU, a demolition permit will need to be applied for to remove of the existing dwellings.

- 8. That an easement be registered on title for the joint entrance between 5974 & 5980 5th Sideroad.**

PROPOSAL:



REASON FOR THE APPLICATION:

The applicant has applied for a Consent to allow for the creation of a new lot as a result of farm consolidation. The applicant is proposing to sever 5974 5th Sideroad to create a lot that is approximately 1.5 hectares in size. The remaining 29 hectares will be transferred to a separate active-farming operation.

BACKGROUND:

The applicant had submitted for a Pre-consultation (File No. PAC14-24) for the collection of comments prior to the submission of the Consent (severance) application. The applicant received comments from the following Agencies & Departments:

1. County of Simcoe
2. Nottawasaga Valley Conservation Authority
3. Planning Department

The applicant followed up with comments made by the County regarding the farm-consolidation and was provided confirmation that the County may support a Consent (severance) on the subject site under the policies of farm-consolidation.

DATE OF SITE INSPECTION:

January 14th, 2025.

PLANNING ANALYSIS

1. Provincial Planning Statement (2024)

The Provincial Planning Statement 2024 (PPS) provides policies that direct development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. It supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The subject lands are located outside of a settlement area and are designated “Agricultural” and “Greenlands” by the County Official Plan, therefore falling under the classification of Rural Areas in Municipalities in the context of the PPS.

Section 2.5 Rural Areas in Municipalities – Subsection 1 (h) identifies that rural areas be supported in providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy in [section] 4.3

Section 4.3.2 – Subsection 3 outlines new land uses in *prime agricultural areas*, including the creation of lots as a permitted use.

Therefore, the proposed Consent generally maintains the intent and purpose of the PPS (2024).

2. County of Simcoe Official Plan

The County of Simcoe Official Plan (“County OP”) shows that the subject property is designated as “Agricultural” and “Greenlands” in accordance with Schedule 5.1.

Section 3.6.7 of the County OP outlines the conditions for lot creation in lands designated Agricultural, and, furthermore, in Subsection (c) stipulates that a residence surplus to a farming operation as a result of farm consolidation [is permissible] provided that:

i. the new lot will be limited to a minimum size needed to accommodate the residential use and appropriate sewage and water services, and should be an approximate size of 1 hectare; and

The applicant is proposing a lot size of 1.64 hectares which is generally in keeping with the ‘approximate’ size of 1 hectare.

ii. new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. To ensure that no new residential dwellings are permitted on the remnant parcel, municipalities may use approaches such as zoning to prohibit the development of a dwelling unit(s), and/or the municipality may enter into agreements imposed as a condition to the approval of lot creation and the agreements may be registered against the land to which it applies.

The Township will rezone the property in its next *Housekeeping By-law* to Agricultural with Special Provisions (A-1) to ensure no new residential dwellings are permitted on the retained parcel of land in order to preserve the agricultural land.

Therefore, the proposed Consent generally maintains the intent and purpose of the County OP.

3. Township of Essa Official Plan

The Township of Essa Official Plan (OP) designates 5974 5th Sideroad as “Agricultural” & “Environmental – Significant Areas” in accordance with Schedule “A”.

Section 26.4.1 of Essa's OP stipulates that In addition to a severance for a retiring farmer, consent may be permitted for creating an extra lot resulting from the consolidation of farms where the base farm, which is defined as the farm in which the owner resides, or in the case of a corporate farming operation, the farm from which the overall operation is managed, is within the Township, and the subject surplus dwelling is within five kilometres, measured by traveled road, from the base farm.

The proposal seeks to sever a lot as a result of farm-consolidation between two (2) active farming operations. In order to ensure that the subject parcel of land is an active-agricultural operation, staff will request the following condition:

The applicant provides and confirms the Farm Registration Number for staff.

Additionally, staff will need to ensure that the consolidation is taking place before issuance of the Consent Certificate, and will request the following condition:

The applicant provides an affidavit declaring that the retained lands containing the actively farmed portion of land, be sold to a farmer or corporate farming operation within the Township, with five (5) kilometers (measured by travelled road) from the base farm.

Thus, if all can be satisfied, the proposed Consent generally maintains the intent and purpose of Essa's OP.

4. Township of Essa Zoning By-law (2003-50)

The Township of Essa Zoning By-law (2003-50) classifies 5794 5th Sideroad partially as Agricultural (A) Zone & partially as Environmental Protection (EP) Zone.

Section 6.3 outlines Agricultural Zone Regulation such as minimum lot area and frontage. Based on a preliminary review of the concept plan and interactive mapping, the lot would meet all relevant provisions and maintain conformance with Zoning By-law 2003-50.

AGENCY AND DEPARTMENT COMMENTS:

The Planning Department would like to note that there are two (2) unoccupied single-family dwellings on the proposed lot, and this will create a potential conflict in terms of permitted uses on the property. The Planning Department will require the following condition of approval:

The applicant shall commit to applying for all required buildings permits to register one of the existing dwellings as the primary dwelling, and another one as an Additional Residential Unit (ARU). In the event the applicant does not apply for an ARU, a demolition permit will need to be applied for to remove of the existing dwellings.

The Planning Department would like to ensure that multiple primary dwellings do not exist on the same lot and are satisfied with either: (a) the applicant converts one of them to an ARU, or; (b) the applicant removes one of the dwellings.

At the time of this report, the applicant is aware of the condition and acknowledges that they will be required to do so.

Additionally, the applicant has not clearly identified how the property will be accessed. The Planning Department would request that the applicant clearly demarcate which of the two (2) existing entrances will be used for the new lot, and which of the two (2) entrances will be used for the existing lot at 5980 5th Sideroad. It seems that it will be impossible to separate the joint access of 5980 5th Sideroad from 5974 5th Sideroad; therefore, an easement will need to be registered on title for joint access between the two (2) properties previously mentioned.

Thus, the planning department is requesting the following condition:

That an easement be registered on title for the joint entrance between 5974 & 5980 5th Sideroad.

PUBLIC COMMENTS:

No public comments were received for this application.

CONCLUSION:

Staff are recommending **APPROVAL** of this application as the proposal is generally in keeping with all relevant planning policies and staff considers the approval of said applications to be good planning.

Respectfully submitted,



Owen Curnew
Planning Department
Township of Essa