



To: Chair and Members of Oxford County Land Division Committee

From: Amy Hartley, Development Planner, Community Planning

Application for Consent

B23-39-3 – Mary Elizabeth Schell & Frank Longlade

REPORT HIGHLIGHTS

- The application for consent proposes a farm consolidation and the retention of a lot for non-farm rural residential use. It is proposed that the lot to be retained will contain an existing single detached dwelling served by an existing private well and septic system, while the lot to be severed contains a barn (to be removed) and will be consolidated with the agricultural parcel to the immediate west.
- Planning staff are not recommending approval of the application, as the proposal is prohibited under the Official Plan policies respecting non-farm rural residential development.

DISCUSSION

Background

OWNER/APPLICANT: Mary Elizabeth Schell and Frank Stephen Longlade
505194 Old Stage Road, Woodstock, ON N4S 7V8

LOCATION:

The subject lands are legally described as Part Lot 15, Concession 4 (East Oxford) in the Township of Norwich. The lands are located on the south side of Old Stage Road, between Highway 59 and Middletown Line and are municipally known as 505194 Old Stage Road.

OFFICIAL PLAN:

Schedule "N-1" Township of Norwich Land Use Plan Agricultural Reserve

TOWNSHIP OF NORWICH ZONING BY-LAW 07-2003-Z:

Existing Zoning: 'General Agricultural Zone (A2)'

Proposed Zoning: Lots to be Severed and Enlarged – 'General Agricultural Zone (A2)'
 Lot to be Retained – 'Rural Residential (RR)'

SERVICES: Lots to be Severed & Enlarged – none
Lot to be Retained – existing private well and sanitary septic system

ROAD ACCESS: paved Township Road (Old Stage Road)

PROPOSAL:

| | <u>Lot to be Severed</u> | <u>Lot to be Retained</u> | <u>Lot to be Enlarged</u> |
|----------|--------------------------|---------------------------|---------------------------|
| Area | 19.8 ha (49 ac) | 0.8 ha (2 ac) | 48.1 ha (119 ac) |
| Frontage | 123.5 m (405.4 | 94.6 m (310.5 ft) | 421.3 m (1,382.4 ft) |
| Depth | 944.8 m (3,100 ft) | 96.8 m (300.7 ft) | 509 m (1,670 ft) |

The application for consent proposes an agricultural lot addition and the retention of a lot containing an existing dwelling constructed in 2004 for non-farm rural residential purposes. It is proposed that approximately 19.8 ha (49 ac) of agricultural lands, containing one existing agricultural building (to be removed) will be severed from the subject lands and added to the vacant agricultural parcel to the immediate west. The lot to be enlarged is approximately 48.1 ha (119 ac) in area, and once merged, the newly enlarged lot will be approximately 67.9 ha (167.9 ac) in area. The lot to be severed and enlarged also contain a surface water feature being a portion of Mud Creek and the Yeoman Drain.

It is proposed that the lot to be retained will be approximately 0.8 ha (2 ac) in size and contains an existing single detached dwelling (built in approximately 2004, according to available information), as well as a private well and septic system. Surrounding land uses are mainly comprised of agricultural lands with a number of non-farm rural residential parcels in the immediate area.

Further, it is noted that the subject lands were created as a result of a previous severance to create an undersized agricultural parcel. The previous severance was conditional upon the owners establishing a viable livestock farming operation on the subject lands. The applicants are now proposing to remove the existing barn that was required to be established as per the previous applications.

Plate 1, Location Map with Existing Zoning, shows the location of the subject lands and the existing zoning in the immediate vicinity, as well as the proposed configuration of the lots to be severed and retained.

Plate 2A, Aerial Map (2020), provides an aerial view of the subject lands and surrounding area.

Plate 2B, Close-up of Lot to be Retained (2020 Air Photo), provides an aerial image of the features on the lot to be retained, as well as the existing agricultural storage buildings on the lot to be severed.

Plate 3A, Applicant's Sketch, shows the configuration and dimensions of the proposed lots, as submitted by the applicant.

Plate 3B, Applicant's Sketch – Lot to be Retained, shows the existing features and proposed dimensions of the lot to be retained, as submitted by the applicant.

Application Review

2020 Provincial Policy Statement

Section 2.3 of the PPS directs that prime agricultural areas are to be protected for long-term agricultural production. Permitted uses in prime agricultural areas include agriculture, agriculture-related uses and on-farm diversified uses. New land uses, including the creation of new lots, shall comply with the minimum distance separation formulae.

Furthermore, Section 2.3.4 (Lot Creation and Lot Adjustments) discourages the creation of new lots in prime agricultural areas and provides only four instances where such lot creation may be permitted, as summarized below:

- For agricultural uses, provided the lots are of a sufficient size for the type of production common in the area and are sufficiently large enough to maintain flexibility in adapting the operation in the future;
- For agricultural-related uses;
- For a surplus farm residence resulting from a farm consolidation; and,
- For infrastructure facilities and corridors in lieu of an easement or right-of-way.

Official Plan

The subject lands are designated Agricultural Reserve according to the Township of Norwich Land Use Plan. Lands designated Agricultural Reserve are to be developed for a wide variety of agricultural land uses, including general farming, animal or poultry operations, regulated livestock farms, cash crop farms and specialty crop farms together with farm buildings and structures necessary for the farming operation, and accessory residential uses required for the farm.

According to Section 3.1.1, the goal of the Agricultural Reserve policies is to ensure prime agricultural lands are preserved for food and fibre production by avoiding the fragmentation of the land base, by minimizing conflict between agricultural and non-agricultural uses and by supporting the needs of the agricultural community by permitting land uses which are complementary to and supportive of agriculture.

Further, a strategic aim of the Agricultural Reserve policies is to prevent situations of land use conflict in the Agricultural Reserve designation by careful management of non-farm uses, including rural residential development, recreational uses, commercial and industrial uses and aggregate resource extraction.

The policies of Section 3.1.4.4.1 (Farm Consolidation) apply to proposals where lands being conveyed are to be added to an adjoining farm property. The following criteria will be evaluated to determine the acceptability of severing agricultural land for farm consolidation purposes:

- the intended use of the lands must be farming;
- proposals to consolidate farm parcels must conform to the provisions of the Zoning By-law;
- conformity with criteria regarding flexibility, suitability, viability and avoidance of further fragmentation of Class 1 to 3 agricultural lands and removal of woodlots;
- compliance with Minimum Distance Separation Formula II (MDS II); and,
- compliance with Section 3.2 Environmental Resource policies.

Section 3.1.5.4 (Rural Residential Uses) as contained in the Official Plan identifies non-farm rural residential development as being incompatible with agriculture in that it can create conflicts with farming activities. It is the intent of the Plan to permit only limited non-farm rural residential development in locations within the Agricultural Reserve designation that do not conflict with the Goal for Agricultural Policies as set out in Section 3.1.1.

Section 3.1.5.4 of the Plan outlines the process for evaluating non-farm rural residential development. The Plan includes a decision-making framework consisting of 4 steps and has been adopted to evaluate non-farm rural residential development proposals within a number of land use designations, including the Agricultural Reserve. Proposals for non-farm rural residential development include both the severed and retained parcels in the case of consent and subdivision applications and lands subject to rezoning for residential purposes in the case of zoning amendment applications.

Step 2 of the above-noted 4-step framework (Section 3.1.5.4.4) contains policies prohibiting non-farm rural residential development and indicates that the approval to develop lands for such development outside of a settlement through severance, subdivision or rezoning will be denied in specific circumstances. In the case of the severance (or in this case, the retention of) the only farm dwelling contained on a lot, the severance of such dwelling is prohibited unless the proposal is to retain an only farm dwelling existing at the date of adoption of the Official Plan (December 13, 1995) through farm consolidation.

For Committee's information, County Council adopted OPA No. 269 in May, 2022, which is an amendment to the Official Plan primarily affecting the County's Agricultural Reserve policies. This amendment was provided to the Province for approval in June 2022 and to date, has not been approved. While not yet approved by the Province, the Council-adopted policies contained in OPA 269 provide an updated framework (Section 3.1.5.3) for assessing the creation of rural residential lots.

The policies contained in OPA No. 269 are similar in their intent to the existing policies noted above. With respect to a proposal to create a lot for a residence surplus to a farming operation as a result of farm consolidation, such consent continues to require that the dwelling in question be a permanent, habitable dwelling that was constructed prior to December 13, 1995 where the dwelling is located on an agricultural lot that will be legally consolidated with an abutting agricultural lot, to form one larger agricultural lot under identical ownership.

While OPA No. 269 is not in effect at this time, Committee should be aware that the policies adopted by Council with respect to farm consolidation resulting in non-farm rural residential development remain similar and continue to require that such non-farm dwellings must have been constructed prior to December 1995.

Zoning By-law

The subject lands are currently zoned 'General Agricultural Zone (A2)' in the Township of Norwich Zoning By-law. The 'A2' zone permits a wide range of agricultural land uses and requires a minimum lot area of 20 ha (49.4 ac) and a minimum lot frontage of 100 m (328 ft). The 'A2' zone generally permits one single detached dwelling, accessory to a farm as well as buildings and structures required for the farm operation.

It is recommended that if approved, the lot to be retained should be rezoned from 'General Agricultural Zone (A2)' to 'Rural Residential Zone (RR)' to recognize the new use of the lands as non-farm rural residential.

The 'RR' zone requires a minimum lot area of 2,800 m² (30,140 ft²), a minimum lot frontage of 35 m (114.8 ft) and a minimum lot depth of 80 m (262 ft). Based on the site sketch provided by the applicant, the lot to be retained will comply with the development provisions of the 'RR' zone in the Township Zoning By-law.

Agency Comments

The Township of Norwich Drainage Superintendent has requested that a drainage assessment reapportionment be included as a condition of consent.

The Township of Norwich Building Department noted concerns relating to the extent of the existing septic system and required confirmation of the septic location in relation to the proposed lot lines as a condition of the severance. It was noted that an MDS I calculation would not be required. A demolition permit for the existing horse barn and completion of same satisfactory to the Township will be required as a condition of the consent.

Upper Thames Conservation Authority (UTRCA) indicated that the subject lands are regulated and comprised of riverine flooding and erosion hazards associated with the Yeoman Drain. They have no objections with the proposed severance, however any future development of the lot to be enlarged may require a permit issued by UTRCA.

Oxford County Public Works indicated that they had no objections or concerns with the proposal.

Public Consultation

Public Notice of the application was circulated to neighbouring property owners in accordance with the requirements of the Planning Act. As of the date of this report, no comments or concerns had been received from the public.

Planning Analysis

The application for consent, which proposes a farm consolidation and the retention of a lot for non-farm rural residential use, has been reviewed under the policy direction of the Provincial Policy Statement and the County Official Plan.

It is proposed that approximately 9.8 ha (49 ac) of agricultural lands, containing one existing agricultural building (to be removed) will be severed from the subject lands and added to the vacant agricultural parcel to the immediate west, for a total enlarged parcel size of approximately 67.9 ha (167.9 ac) of vacant agricultural land. It is noted that the lot to be severed and enlarged contain a portion of a surface water feature, being Mud Creek, and the Yeoman Drain.

Regarding the relevant policies of the Provincial Policy Statement, said policies allow for the severance of a residence surplus to a farming operation as a result of farm consolidation provided that the new lot will be limited to a minimum size needed to accommodate the use and that measures are incorporated to prohibit new residential development on those lands (i.e. zoning). Other than the requirement to restrict further residential development on the resulting farmland, the PPS contains no restrictions as to when the surplus dwelling was constructed. As such, the applicant's proposal does not offend Provincial policy in this regard.

However, the policies contained in the County Official Plan, including the policies adopted via OPA No. 269, are clear that unless the retained dwelling resulting from the consolidation of farmland was in existence on the lands at the time that the current Official Plan was adopted in December 1995, such severance is prohibited. As noted, the dwelling located on retained lands resulting from the above-noted farm consolidation appears to have been constructed in 2004.

In light of the above, Planning staff are of the opinion that the application should not be given favourable consideration as the application for consent does not support the strategic initiatives, objectives and policies of the Official Plan (as outlined in this report) with respect to retaining a surplus dwelling as a result of a farm consolidation. As such, Planning staff recommend that the application not be approved.

RECOMMENDATIONS

Whereas the application for consent does not comply with the policies of the County of Oxford Official Plan, we are of the opinion that the application should not be given favourable consideration as the dwelling existing on the lands does not meet the criteria for dwellings made surplus via farm consolidation. Specifically, the retained dwelling was not constructed prior to the adoption of the Official Plan in December 1995 and the proposal is therefore prohibited in accordance with Section 3.1.5.4.4 of the Plan.

SIGNATURES

Authored by: *“Original Signed by”* Amy Hartley
Development Planner

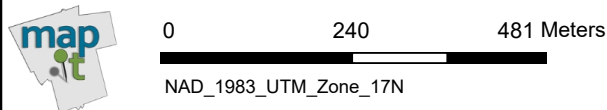
Approved for submission: *“Original Signed by”* Gordon K. Hough, RPP
Director



Legend

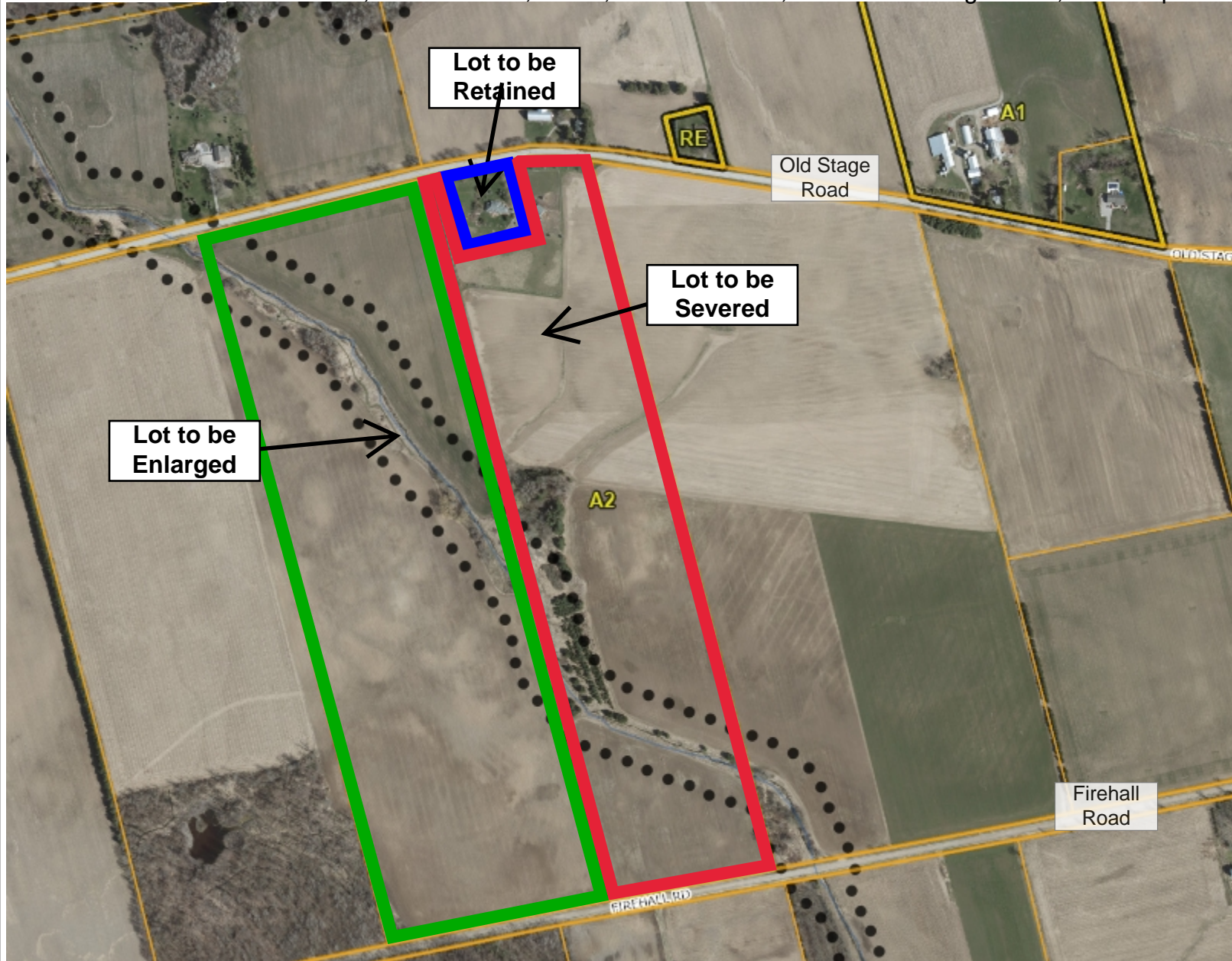
- Parcel Lines**
 - Property Boundary
 - - - Assessment Boundary
 - Unit
 - Road
 - - - Municipal Boundary
- Zoning Floodlines**
- Regulation Limit**
 - ◆ 100 Year Flood Line
 - ▲ 30 Metre Setback
 - Conservation Authority Regulation Limit
 - Regulatory Flood And Fill Lines
- Land Use Zoning (Displays 1:16000 to 1:500)

Notes



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey

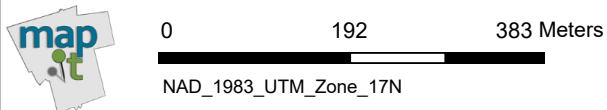
July 9, 2023



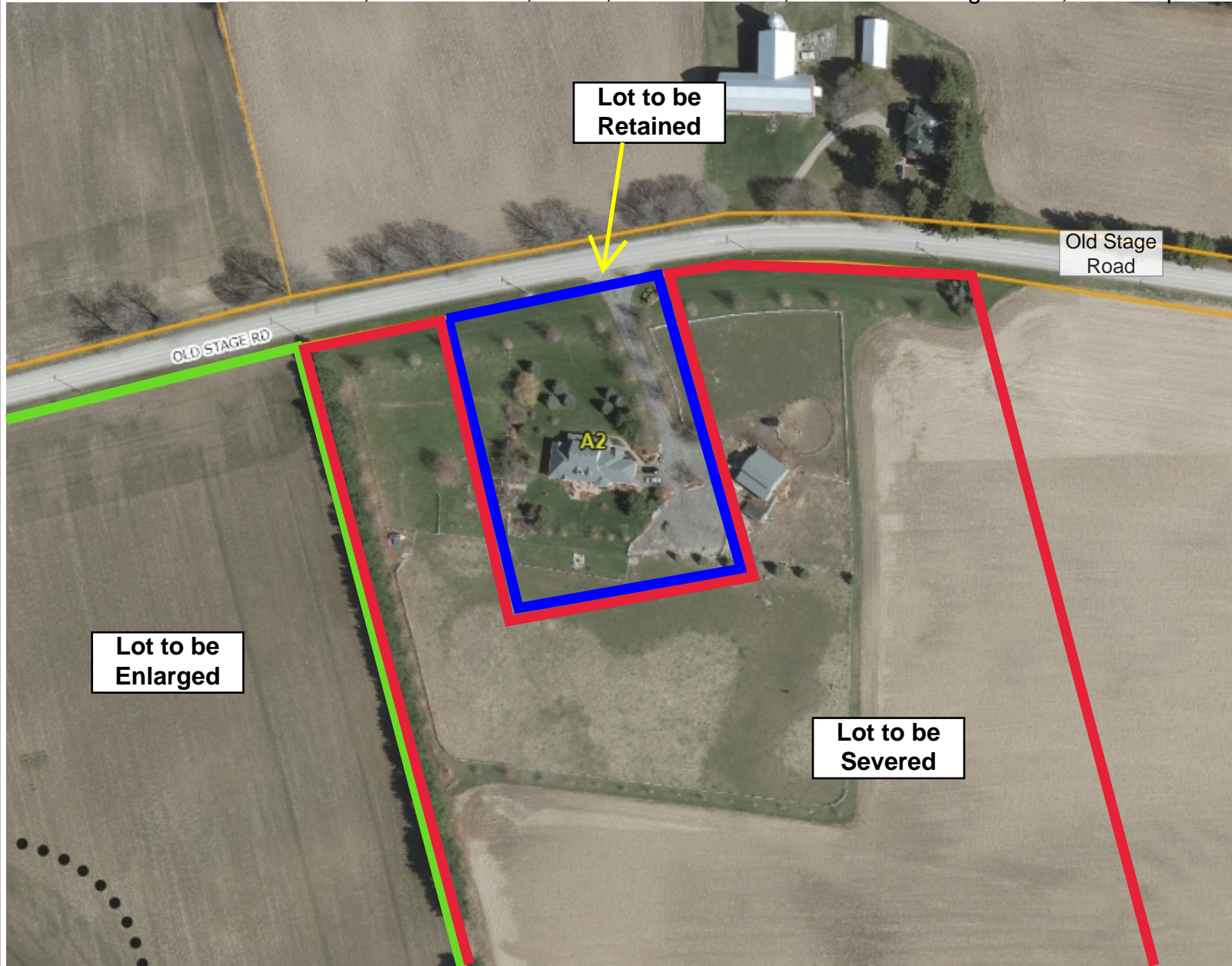
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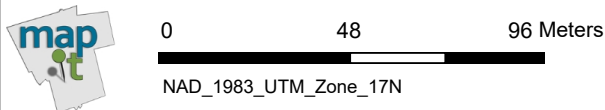
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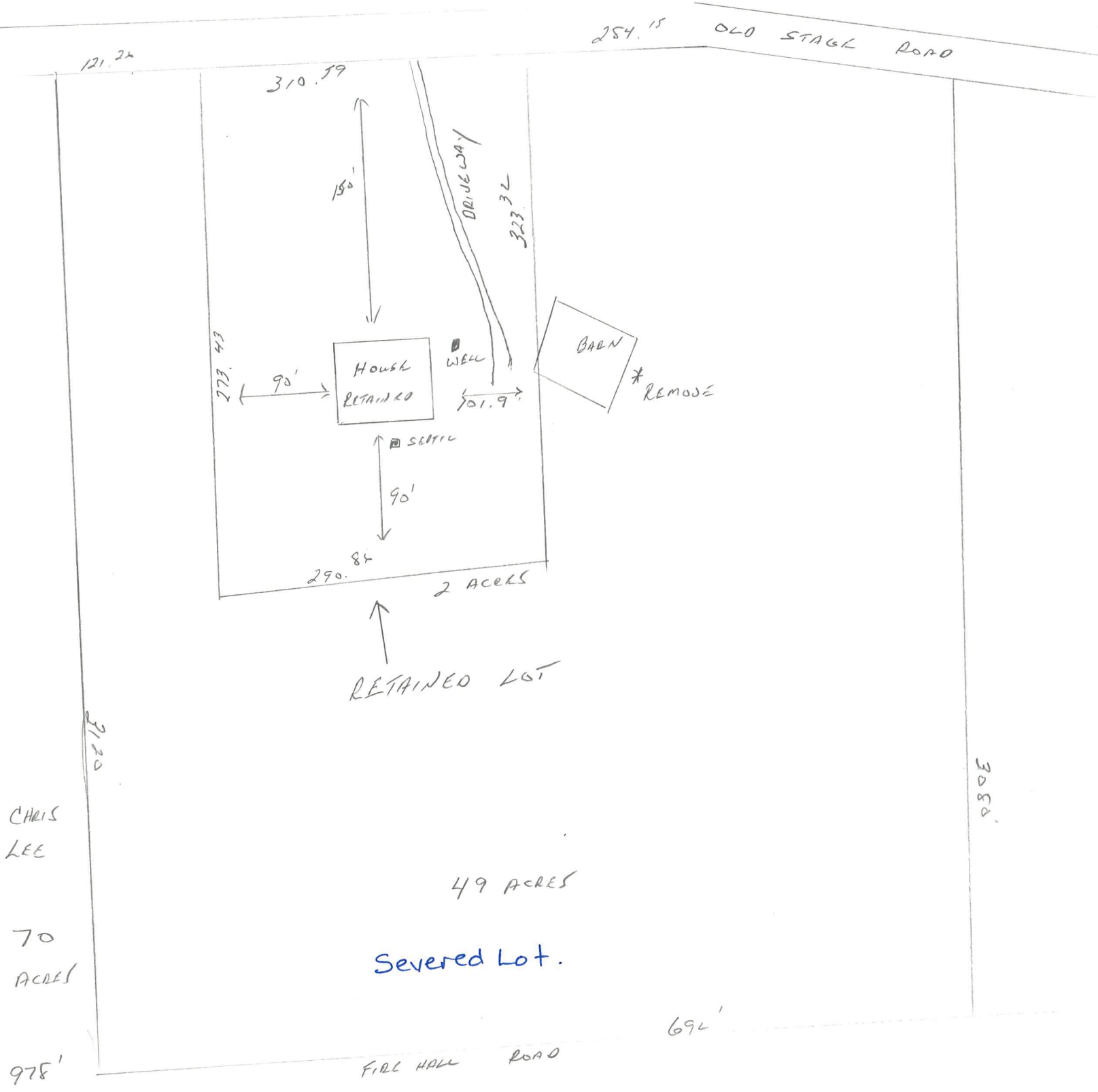
August 22, 2023



A = RETAINED
B = EXPANDED TO INCLUDE C
C

CHRIS LEE
PURCHASER

STAGE LONGLADE
APPLICANT



CHRIS LEE
70 ACRES
975'

RETAINED LOT

49 ACRES
Severed Lot.

FIRE HALL ROAD

COUNTY OF OXFORD
LAND DIVISION COMMITTEE
NOTICE OF DECISION

File No. B23-39-3

Owner: Elizabeth Schell & Steven Longlade

In the case of an Application for Consent as made under Section 53 of the Planning Act, R.S.O., 1990, as amended:

The intent of the application for consent is to facilitate an agricultural lot addition and the retention of a lot containing an existing dwelling for non-farm rural residential purposes. It is proposed that approximately 19.8 ha (49 ac) of agricultural lands, containing one existing agricultural building (to be removed) will be severed from the subject lands and added to the vacant agricultural parcel to the immediate west. The lot to be enlarged is approximately 48.1 ha (119 ac) in size, and once merged, the newly enlarged lot will be approximately 67.9 ha (167.9 ac) in size.

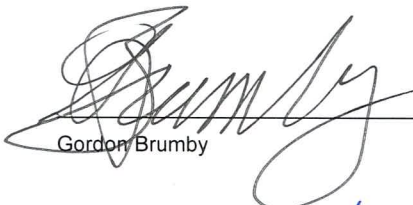
It is proposed that the lot to be retained will be approximately 0.8 ha (2 ac) in size, with approximately 94.6 m (310 ft) of frontage on Old Stage Road. The lot to be retained contains an existing dwelling and a private well and septic and it's proposed that the lot to be retained will be used for non-farm rural residential purposes.

The subject lands are legally described as Part Lot 15, Concession 4 (East Oxford) in the Township of Norwich. The subject lands are located on the south side of Old Stage Road, lying between Highway 59 and Middletown Line and are municipally known as 505194 Old Stage Road.

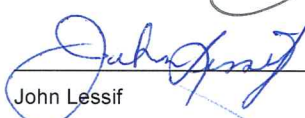
DECISION: *Granted* on September 7, 2023.


See Page 2 for Conditions and Reasons

MEMBERS concurring in the above ruling:


Gordon Brumby

Absent
Larry Martin


John Lessif


Dianne Paron


Doug Matheson

"Original Signed By"
Arend Tenhove

Absent
Coenraad van Haastert

IF APPROVED: Is subject to the conditions and for the reasons stated herein on this Notice of Decision of the Land Division Committee

IF DENIED/DEFERRED: Is for the reasons stated herein on this Notice of Decision of the Land Division Committee

CERTIFICATION

I, AMY HARTLEY, Secretary-Treasurer of the Land Division Committee for the County of Oxford, do hereby certify that the above is a true copy of the Decision of the Land Division Committee with respect to the Application recorded herein.

DATED this ^{14th} ~~8th~~ day of September, 2023.


Secretary-Treasurer

NOTE:

The last date to submit an Appeal of the above Decision to the Secretary-Treasurer of the Land Division Committee is:

October 4, 2023
~~September 28, 2023~~

\$400.00 is payable to the Minister of Finance, together with a written letter outlining the reasons for the appeal

CONDITIONS:

1. The property to be retained be appropriately rezoned.
2. The parcel intended to be severed be conveyed to the abutting landowner to the immediate west and be consolidated with said owner's existing property. Any additional transactions with regard to the severed parcel must comply with Section 50(3) & (5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
3. If required, drainage assessment re-apportionment be undertaken, pursuant to Section 65 of The Drainage Act, R.S.O., 1990, at the Owner(s) expense, to the satisfaction of the Township of Norwich.
4. The existing horse barn on the lot to be severed be removed, subject to Building Permits for Demolition, to the satisfaction of the Township of Norwich.
5. The completion of Site Evaluation and confirmation of the septic system location wholly within the boundaries of the lot to be retained and in conformance with the prescribed setbacks of the Ontario Building Code, to the satisfaction of the Township of Norwich.
6. The Clerk of the Township of Norwich advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township, financial and otherwise have been complied with.
7. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within two years of the mailing of this Notice of Decision. If all conditions are not met within two years, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within two years, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 2020 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.
3. The Land Division Committee did not receive any comments from the public respecting this application.

DATED this 14th day of September, 2023.


Secretary-Treasurer

DATE OF MAILING: September 14, 2023

Additional information regarding the application for consent will be available to the public for inspection between 8:30 am to 4:30 pm, Monday to Friday, at the Community Planning Office, 21 Reeve Street, Woodstock, Ontario N4S 3G1 (Telephone: (519) 539-9800; FAX: (519) 421-4712).

The land which is the subject of the application is the subject of an application under the *Planning Act* for:
None

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have either made a written request to be notified of the decision to give or refuse to give provisional consent, or make a written request to be notified of changes to the conditions of the provisional consent.

Only the applicant, the Minister, a specified person or any public body may appeal decisions in respect of applications for consent to the Ontario Land Tribunal.

Any notice of appeal must be submitted on the appropriate Appellant Form available from this Office or the Tribunals Ontario website: www.olt.gov.on.ca. The notice of appeal accompanied by the prescribed fee under the Ontario Land Tribunal Act shall be filed with the Secretary-Treasurer of the Land Division Committee. The prescribed fee is \$400.00 for the first appeal and \$25.00 for each subsequent appeal. Only certified cheques, money orders or solicitors' firm cheques are acceptable and are to be made payable to the Minister of Finance.

For further information please contact
**The Secretary-Treasurer, Oxford County Land Division Committee, Community Planning Office,
P.O. Box 1614, Woodstock ON N4S 7Y3
or by personal delivery to 21 Reeve Street, Woodstock ON**