

**SURPLUS RESIDENCE  
SEVERANCES AND SMALL LOT  
CREATION IN ONTARIO'S  
PRIME AGRICULTURAL AREAS:**  
Policy Considerations

Wayne Caldwell & Brittany Manley  
October, 2021

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## Introduction

This report reviews issues, opportunities and policy considerations related to two types of severance that are often debated in rural Ontario: a severance of a dwelling that is surplus to an area farm and a severance for a smaller (undersized) parcel for agricultural purposes to accommodate beginning farmers or niche forms of agriculture. This report reviews these types of severances in Ontario's *prime agricultural areas*. The goal of this review is to gain a better understanding of current policy's appropriateness for farmland preservation and relevance in meeting the needs of the farming community. For the purposes of this report a severance of a dwelling that is surplus to an area farm will be referred to as a surplus residence severance (SRS) (It is noted that the terms residence, dwelling and house tend to be used interchangeably by municipalities in their various planning documents. Where appropriate we have retained some of these references reflecting the nuances of different approaches)

### a) Research Methodology

Research for this report took the form of three distinct steps:

- i) A background review of current provincial and regional policies pertaining to SRSs and small lot creation in Ontario's *prime agricultural areas*. This included the identification of policies in the Provincial Policy Statement (PPS), 2020, Greenbelt Plan (2017), Oak Ridges Moraine Conservation Plan (2017), Niagara Escarpment Plan (2017) and a review of 17 regional and county official plans across Southern Ontario. Through an analysis of regional official plans similarities and differences in policy implementation across regions were identified and major themes regarding standard implementation and variation were categorized.
- ii) Workshops were completed with four Ontario farming community groups to identify the farming communities' viewpoints on SRSs and small lot creation for new and niche farmers. Through discussion benefits, disadvantages and concerns were identified pertaining to SRSs. Benefits, disadvantages, and concerns were identified regarding small lot creation for new and niche farmers as well as views on the need for small lot creation for this purpose.
- iii) Interviews were done with 7 regional municipal planning offices to determine regional policy direction and considerations on SRSs and small lot creation for new and niche farmers.

### b) The Issue

#### i) Surplus Residence Severances (SRSs)

SRSs have been a contentious subject for some time. Within current Ontario provincial policy they are the only severance permitted for the creation of a residential lot in *prime agricultural*

*areas*. Both SRSs and retirement severances were permitted until the elimination of retirement severances in 2005. The allowance of SRSs continues to be debated on its contribution to the protection of agricultural communities, built heritage and the protection of Ontario's agricultural land base. Research reflected in this report looks at the applicability of this severance allowance from both a provincial interest and regional standpoint as well as from the perspective of the farming community.

## ii) Lot Creation for New Entrants and Niche Farmers

Provincial policy discourages lot creation in *prime agricultural areas* and encourages lot sizes for agricultural purposes that are reflective of agricultural uses in the area and maintain future flexibility. This direction generally encourages the continuation of large parcels which reflect the original settlement of rural Ontario (generally around 40 hectares). Provincial policy direction is reflected in regional and local official plans where severances for smaller farm parcels have generally been discouraged. Keeping lot sizes large aims to limit the fragmentation and development of Ontario's agricultural land base. There has, however, been pressure in parts of the province to allow smaller parcels to accommodate beginning farmers and niche farming operations. A number of factors can be seen to have contributed to an interest in this analysis; the rising price of agricultural land, current farm operations increasingly lacking farm succession plans, and the diversification of types of farming operations. Niche farming, or the diversification of farming operation types to include greenhouse operations, market gardens, herb and fibre production and specialty crops to name a few do not always rely on large acreage for production. The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA's) Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (2018) for example anticipate an increasingly broad range of new and evolving farm types. As these types of agricultural operations become more popular, and new farmers are increasingly coming from non-generational farming backgrounds there is a need to assess whether there is a demand and reasoning for smaller lot creation in *prime agricultural areas*. Research reflected in this report looks at the applicability of current provincial and regional minimum lot size policy in supporting new and niche farming operations.

## Current Policy

### a) Provincial Policy

#### i) Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS), 2020 establishes policy on lot creation and lot adjustments in *prime agricultural areas*. Under the Planning Act R.S.O 1990, local policy needs to be consistent with provincial policy:

*Lot creation in prime agricultural areas is discouraged and may only be permitted for:*

- a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;*
- b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;*
- 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**
- d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.*

(PPS 2020, S. 2.3.4.1)

With a farm consolidation being defined as a:

*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).*

(PPS 2020, pg. 50)

The Provincial Policy Statement, 2020 also sets out the following policy on differing types and sizes of agricultural uses permitted in *prime agricultural areas*:

*In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.*

(PPS 2020, S.2.3.3.2)

## ii) Surplus Residence Severances (SRSs)

Policy direction on SRSs are reflected within other provincial plans which contain notable unique attributes relative to the Provincial Policy Statement (PPS). For instance, the Greenbelt Plan (2017) indicates that within the Protected Countryside, the residence must have been habitable (S.4.6.1 f). The Oak Ridges Moraine Conservation Plan (2017) indicates the residence must have been habitable and have existed prior to July 1, 2017 (S.32.(1) 1), and applies whether the transaction takes the form of a conveyance, a lease for twenty-one years or more, or a mortgage (S.32.(2)). The Niagara Escarpment Plan (2017) indicates that the residence must be habitable, built and occupied for at least 10 years at the time of the application and must not have been built as a temporary use or as a dwelling unit accessory to agriculture. The application must also occur within 2 years of the farm consolidation (S.2.4.22). There are also restrictions for the retained lot in that a retained lot must be listed as an APO (Agricultural Purposes Only Lot). Included in this is that:

*The APO lot shall be a minimum of 20 hectares or more. A lot of lesser size may be considered on the basis of a farm business plan or agricultural study that demonstrates that the lot will make a contribution to the farming operation benefitting from the creation of the APO lot, to the satisfaction of the implementing authority.*

(Niagara Escarpment Plan, 2017, S.2.4.25)

## iii) Minimum Lot Sizes

The Greenbelt Plan (2017) echoes the Provincial Policy Statement, in that *all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in prime agricultural areas as well as specialty crop areas within the Protected Countryside* (S. 3.1.2.1 & S.3.1.3.1), and indicates *minimum lot sizes of 16 hectares (or 40 acres) within specialty crop areas and 40 hectares (or 100 acres) within prime agricultural areas* (S.4.6.1.b i). These lot sizes are reflected within the Niagara Escarpment Plan (2017) (S.1.4.4.3 & 1.5.4.3) and similarly, the Oak Ridges Moraine Conservation Plan (2017) indicates minimum lot sizes for agricultural uses within the area of the plan will be at least 100 acres (S.32.(1) 2). The Niagara Escarpment Plan (2017) has differing policies for lot creation in different areas of the Plan. The reader is encouraged to consult the Niagara Escarpment Plan (2017) for more information.

## b) Regional and County Policy

A review of current policy pertaining to SRSs and minimum lot sizes was undertaken by analyzing 17 regional and county official plans across Southern Ontario. The reader is encouraged to consult Table 1& 2, where study details are available. The objective was to look for key themes that emerged in upper-tier or single-tier implementation of provincial policy, both standard implementation practices and differences across regions.

i) Surplus Residence Severances (SRSs) - Key Themes

In all reviewed regional and county official plans SRSs were permitted. Some language pertaining to local municipalities' ability to further restrict policy was noted in a few municipalities. For example in Huron County,

*Local municipalities may choose to develop policies which permit the severance of existing residences surplus to a farming operation as a result of the acquisition of an additional farm property. Local Official Plans shall meet or exceed the following criteria:...*

(Huron County Official Plan, S.2.3.8)

The Provincial Policy Statement, 2020 identifies three requirements for SRSs. The severance must be from a farm consolidation, the new lot will be limited to the size necessary for its use, and new dwellings must be prohibited on the remnant farm parcel. Almost all official plans reviewed reference these three base requirements yet there was notable differences in leniency on farm lot qualifications, language pertaining to farm ownership eligibility, dwelling qualification, and residential lot qualifications.

*Definition of farm consolidation*

While many municipalities simply reflect the Provincial Policy Statement's definition of *farm consolidation* for land eligibility some municipalities further identify what is meant by *farm consolidation* specific to their jurisdiction. Most notably that *farm consolidation* can apply to both previous and current farm consolidations, or that the consolidation can result from the merging of both abutting and non-abutting farms. Contrary to this the County of Oxford only allows SRSs for the consolidation of abutting farms, and more detailed definitions include the County of Perth's where both lands involved in the consolidation must be located within the County. Two unique polices also stood out in regard to farm lot eligibility;

Huron County requires that,

*There has been no previous separation of land for residential purposes from the farm property as it existed on June 28, 1973, other than in a settlement area.*

(Huron County Official Plan, S.2.3.8 f)

The County of Brant indicates severances may be permitted for surplus dwellings that have not become surplus due to farm consolidation per se:

*..where previous or current farm consolidations have rendered a residence surplus to a farming operation, or where an established farm has more than one habitable dwelling which is considered surplus to the needs of the farm operation...*

(The County of Brant Official Plan, S. 6.8.2.1 c iv)

### *Definition of farm owner*

Some municipalities have chosen to define what types of farms qualify for severance. In these cases farm eligibility has most often been identified through provision of a definition of what constitutes an eligible applicant based on farm ownership. A few municipalities indicate that both corporations and an unincorporated group may be eligible farming operations if they comply with provided definitions. Other examples include the County of Bruce's use of the term 'bona fide farmer' as definition of eligibility, and the County of Perth's indication that the farm property must be eligible for the Farm Property Class Tax Rate Program as well as have a valid Farm Business Registration Number.

### *Dwelling age*

Where municipalities differed most considerably was on dwelling age requirements. A number of municipalities indicated the necessity of the dwelling being habitable at the time of application. A considerable number of official plans also indicate specific dates that the dwelling must have been in existence or a minimum dwelling age. Heritage designation is also mentioned by two municipalities and the Region of Waterloo indicates that the dwelling must be designated as a heritage property under the Heritage Act by the area municipality in order to be eligible for severance. An example of a more detailed dwelling requirement by Huron County is seen below:

*The residence must be a minimum of 15 years old or has immediately replaced one of a series of habitable residences which were built a minimum of 15 years ago or replaces a house accidentally destroyed by fire or natural disaster.*

(Huron County Official Plan, S. 2.3.8 a)

### *New residential lot size*

While many indicate that the new parcel must not be larger than necessary to accommodate the residential use a few municipalities provide flexibility for natural features accommodation and a number of municipalities also indicate maximum lot sizes. Language indicating the necessity of rezoning the property to residential use is also seen in some plans, with the County of Perth indicating the prohibition of farm-related uses on the severed lot inclusive of barns and other structures for livestock.

### *Remnant lot requirements*

Many official plans reviewed indicate that the building of new dwellings on the remnant lot will be prohibited through zoning and/or prohibition will be registered on the property title. One significant difference in language is the County of Perth's indication that an exception for this policy will be made for second dwelling units. While specific minimum lot sizes for remnant non-merging parcels are largely not indicated to be different than minimum lot size requirements for *prime agricultural areas* there are a few exceptions. The County of Essex's Official Plan indicates that local municipalities can determine minimum sizes and while Huron County indicates that minimum sizes for agricultural lots will be set by local municipalities a specific minimum lot size is indicated for non-merged remnant lots.

### *County of Oxford point system*

The County of Oxford has taken a unique approach to SRS policy. Alongside other non-farm rural residential development applications the proposal for a dwelling surplus to a farming operation is reviewed through a point system process for assessing non-farm rural residential proposal suitability. Aspects assessed include *land capability for agriculture, surrounding agricultural land use, surrounding extractive resource land use, access to major roads, traffic safety*, if it's a surplus farm dwelling and the heritage designation status of buildings or structures (County of Oxford Official Plan, S. 3.1.5.4.5.1)

Figure 1. Regional and County Surplus Residence Severance (SRS) Policy

Region	Policy Attributed to	Official Plan Permits SRS	Residential Lot Requirement	Remnant (Retained) Parcel Requirement	Requirement for SRS Dwelling	Additional Requirements
County of Brant	Agriculture Designation	Yes	<p>- ...large enough to accommodate the use and on-site servicing (i.e. subsurface sewage disposal and well) while ensuring that as little acreage as possible is taken out of productive agricultural land..</p> <p>- generally, be less than 0.6 hectares</p> <p>- no creation or addition of more dwelling units</p>	<p>- rezoned to prohibit future dwelling</p> <p>- less than 40 hectares can be considered in special circumstances but shall generally be of viable farm parcel size</p>		<p>-where previous or current farm consolidations have rendered a residence surplus to a farming operation, or where an established farm has more than one habitable dwelling which is considered surplus to the needs of the farm operation, a consent may be considered to sever the surplus farm dwelling from the farm unit,..</p>
County of Bruce	Agriculture Areas	Yes	<p>-sufficient size to accommodate the residence, accessory buildings which do not render the lot excessively large &amp; well and sewage system</p>	<p>-rezoned to prohibit a future residential dwelling provided that a residential dwelling does not exist at the time of severance</p>	<p>-must be habitable at the time of application</p>	<p>-The owner of the lands to be severed is a 'bona fide farmer'. For the purposes of this policy, the 'bona fide farmer' must: a) own and farm the lands on which the surplus dwelling is proposed to be severed from; b) own and farm other lands; and c) own a residence elsewhere, or reside as a tenant elsewhere, therefore rendering the residence on the subject farm surplus to their</p>

						<i>needs. In situations where the agricultural portion of the subject lands is rented in whole or in part to others, the owner of the subject lands shall not qualify as a 'bona fide farmer'. A 'bona fide farmer' shall be defined as to include a limited company, sole proprietorship, incorporated company, numbered company, partnership, non-profit and other similar ownership forms.</i>
Chatham-Kent	Agriculture Area	Yes	<p>- as small as practical in order to preserve the agricultural land base and accommodate sewage and water services</p> <p>-will generally not exceed 0.8 hectares in area</p> <p>- ..a single detached dwelling on an undersized agricultural lot will be recognized through existing provisions of the Zoning By-law.</p>	-re-zoned to prohibit a new dwelling		-for a previous or current farm consolidation
Dufferin County	Agricultural Area	Yes	<p>-.limited to a minimum size needed to accommodate the use and appropriate sewage and water services;</p>	-.zoned so as to prohibit the construction of any additional dwellings;		-for a previous or current farm acquisition

			-will be zoned to recognize non-farm residential use			
Durham Region	Prime Agricultural Policies	Yes		-...zoned to prohibit any further severances and the establishment of any residential dwelling.	-within the Protected Countryside of the Greenbelt Plan Area, the dwelling was in existence since December 16, 2004;  -The dwelling is not needed for a farm employee; - must be habitable	- as a result of consolidation of abutting farms if the farms are merged into a single parcel  - ...the severance of a farm dwelling rendered surplus as a result of a farmer acquiring a non-abutting farm may be allowed, by amendment to this Plan,. This is conditional on if.. the farm parcel to be acquired is of a size which is viable for farming operations;
County of Essex	Agricultural Designation	Yes		-local municipalities may determine a minimum lot size for remnant farm parcel in accordance with policy  -..subject to the local Zoning By-law being amended, to prohibit new residential dwellings..	-must be habitable	-..farm consolidation will be interpreted to permit both contiguous and non-contiguous farm parcel consolidations.
County of Hastings	Agricultural Land Use Designation	Yes	-..limited to a minimum size needed to accommodate	-municipalities make sure new residential dwellings are prohibited		-..the farm consolidation may occur between adjacent parcels or where a farmer owns and farms

			<i>the use and appropriate sewage and water services;</i>	through zoning		<i>other lands that are not adjacent to the newly acquired land.</i>
Huron County	Prime Agricultural Areas	Yes	<i>-The area of farmland attached to the surplus house is kept to a minimum size needed for residential purposes, taking into consideration water and sewage services and environmental and topographic features.</i>	<i>-The retained lands are a minimum of 19 hectares unless merged with an abutting farm.</i>  <i>-a new residence is prohibited through zoning</i>	<i>-The residence must be a minimum of 15 years old or has immediately replaced one of a series of habitable residences which were built a minimum of 15 years ago or replaces a house accidentally destroyed by fire or natural disaster.</i>  <i>- the residence is habitable and intended to be used as a primary residence</i>	<i>-Local municipalities may choose to develop policies which permit the severance of existing residences surplus to a farming operation as a result of the acquisition of an additional farm property.</i>  <i>-local municipalities may choose to develop policies which permit the severance but must comply with other noted policies</i>  <i>-There has been no previous separation of land for residential purposes from the farm property as it existed on June 28, 1973, other than in a settlement area.</i>  <i>- For the purposes of this section - a corporation may be an eligible farming operation provided the same corporation owns at least two farms, each containing a residence, one of which may be severed in accordance with this section; and</i>

						- an unincorporated group of one or more person(s) may be an eligible farming operation provided a majority of the owners, together or individually each own another farm containing a residence, one of which may be severed in accordance with this section; where owners normally reside in the same household, they may be considered as one individual within the group of owners.
County of Middlesex	Agriculture Areas	Yes		-new residential dwellings are prohibited	-built prior to Jan 1, 1999	
Niagara Region	Unique Agricultural Areas	Yes	<i>-.shall not exceed an area of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary to support a well and private sewage disposal system..</i>	-a residential dwelling is not permitted in perpetuity through zoning	<i>-.residence was an existing use as of December 16, 2004..</i>	<i>-Policies for lot creation in local Official Plans can be more restrictive than the following policies and still conform to this Plan.</i>
Niagara Region	Good General Agricultural Areas	Yes	<i>-.shall not exceed an area of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary to support a well and private sewage disposal system..</i>	-a residential dwelling is not permitted in perpetuity through zoning		<i>-Policies for lot creation in local Official Plans can be more restrictive than the following policies and still conform to this Plan.</i>
Northumberland County	Agricultural Area	Yes	<i>-limited to a minimum size needed to</i>	-ensures that new residential	-existing & habitable	<i>- as a result of the acquisition of additional farm</i>

			<i>accommodate the use and appropriate sewage and water services;</i>	dwelling are prohibited		<i>parcels to be operated as one farm operation (a farm consolidation)..</i>  <i>-If local official plans support their creation</i>
County of Oxford	Agricultural Reserve	Yes	<i>-new or expanded non-farm rural residential lots will be as small as is practical in order to preserve the County's agricultural land base. Severance proposals to create new or expanded lots for non-farm rural residential development will generally not exceed .8 hectares (two acres). Proposals seeking to sever parcels larger than this limit will only be permitted where it can be demonstrated that the additional area is required to accommodate a private water supply or on-site sewage facilities, where the topography of the area has limitations for agriculture or where the proposed lots are physically isolated by natural features such as streams.</i>		-must be existent as of December 13, 1995  - having a building or structure designated under the Heritage Act removes 2 points from the application	-only for consolidation of abutting farm properties  -the proposal must go through a point system process for assessing non-farm rural residential proposal suitability  -aspects assessed Include: <i>Land Capability for Agriculture, Surrounding Agricultural Land Use, Surrounding Extractive Resource Land Use, Access to Major Roads, Traffic Safety, Surplus Farm Dwelling, Heritage</i>
County of Perth	Agriculture Designation	yes	<i>-limited to the minimum size required for the residential use and</i>	-an amendment to the Municipality's	-must be a minimum of 10 yrs old at	<i>-The land on which the surplus farm dwelling is situated must be operated,</i>

			<p><i>to accommodate the appropriate sewage and water services;</i></p> <p><i>-the lot shall only be used for residential purposes. Farm-related uses shall not be permitted</i></p> <p><i>-the severance shall not include any barns or structures used for livestock housing purposes;</i></p> <p><i>-a Zoning By-law amendment is required to regulate the permitted uses on the lot</i></p>	<p>zoning by-law is required to prohibit new residential dwellings with the exception of Second Dwelling Units</p> <p>-an agreement for prohibition shall be registered on the property title of the remnant farm property</p>	<p>date of application</p> <p>-must be habitable</p>	<p><i>or will be operated as part of the consolidated farm operation.</i></p> <p><i>-The land on which the surplus farm dwelling is situated and the land to which the consolidated farm operation to which the farm dwelling has become surplus must be located within the County of Perth;</i></p> <p><i>-.a corporation may be an eligible farming operation to sever a surplus farm dwelling provided the same corporation owns at least two farms, each containing a residence, one of which is surplus to the farm operation that may be severed in accordance with this section; and an unincorporated group of one or more person(s) may be an eligible farming operation to sever a surplus farm dwelling provided a majority of the owners in the group, together or individually own another farm containing a residence, one of which may be severed in accordance with this section of the Official Plan; where</i></p>
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						<p><i>owners normally reside in the same household, they may be considered as one individual within the group of owners;</i></p> <p><i>-the farm property on which a surplus farm dwelling is located must be eligible for the Farm Property Class Tax Rate Program and the property owner must have a valid Farm Business Registration Number;</i></p>
United Counties of Prescott & Russell	Farm Consents	yes		- require a Zoning By-law amendment prohibiting a new residential dwelling		<p><i>-Farm consolidation means the acquisition of additional farm parcels to be operated as one farm operation.</i></p> <p><i>-Local municipalities may request a condition on the Consent Approval Authority decision to sever 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, odors and other nuisances associated with agricultural activities.</i></p>

County of Simcoe	Agricultural Designation	Yes	<p>-minimum size to accommodate residential use, sewage and water services</p> <p>- an approximate size of 1 hectare</p>	<p><i>-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;</i></p>		
Region of Waterloo	Prime Agricultural Area	Yes	<p><i>-the new lot has a maximum area of one hectare, except where natural features or existing lot patterns justify the inclusion of additional lands.</i></p>		<p><i>-(if) the surplus dwelling is designated by the Area Municipality as a heritage property under the Heritage Act;</i></p>	<p><i>-Where two or more farm parcels are to be merged in title into one ownership, with each lot having one dwelling,</i></p>
County of Wellington	Prime Agricultural Land	Yes	<p><i>-the amount of good farmland retained with the surplus house is kept to a minimum size needed for residential purposes, taking into consideration environmental and topographic features;</i></p>	<p>- rezoned to prohibit residential use</p>	<p>-is habitable and is not expected to be demolished by future ownership</p>	<p>-if the remaining farmland can function as a significant part of the overall farm unit and does not render the remaining land difficult or inefficient to farm</p>

*\*italicized is direct wording from official plans and non-italicized is abbreviated or summarized*

## ii) Minimum Lot Size - Key Themes

The Provincial Policy Statement, 2020 sets out that lot creation in *prime agricultural areas* for agricultural uses may only be permitted,

*... provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;*

(PPS 2020, S.2.3.4.1 a)

The ways in which the reviewed regional official plans reflect provincial policy pertaining to lot creation in *prime agricultural areas* is most often indicated by aligning wording (with regional variation) to provincial policy referenced above and/or by indicating a numerical general minimum lot size.

### *General numerical minimum lot size indication*

Within regional plans many municipalities set a numerical general minimum lot size. Numerical minimum lot sizes reviewed tend to be around 40 hectares in *prime agricultural areas*, and around 16 hectares within areas with specialty crops. Chatham-Kent, a municipality where greenhouses are present poses an exception, indicating a general numerical lot size of 20 hectares.

#### *1) Local municipalities determine minimum lot sizes*

In a number of instances counties or regions indicate general guidelines that align with provincial policy but allow or indicate that local municipalities will determine a minimum lot size based on the identified criteria.

#### *2) Lot size allowance determined by conformity with provincial guidelines*

A couple of municipalities distinguish appropriate severances by the use of language the same as or similar to provincial policy and may not identify a specific numerical general minimum lot size at all. Examples of this include the County of Essex which identifies that the County is currently undertaking an Agricultural Lot Size Study, and the County of Wellington.

### *Indication that smaller lots may be permitted*

Some municipalities indicate that they may permit smaller lot sizes than the general numerical indication if the size and type of farming operation fits certain requirements. Often these requirements include the necessity of the lot size to conform in varying degrees to similar guidelines as outlined in provincial policy. In the case of the County of Bruce, the Official Plan indicates that this leniency is intended for smaller, specialized farm parcel sizes. Similarly, in Niagara Region's Good General Agricultural Areas it is indicated that smaller lot severances are intended for greenhouses and intensive forms of agriculture indicating severances may be permitted if,

*The consent is for a farm operation supported through a farm business plan and provided that the resulting parcels are both for agricultural use and the size of the resulting farm parcels:*

- i) is appropriate for the farming activities proposed,*
- ii) is suited to the particular location and common in the area, and*
- iii) provides some flexibility for changes in the agricultural operation.*

*The foregoing includes small lot severances for greenhouses and other intensive forms of agriculture 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 intensive agricultural uses such as greenhouse operations be of a sufficient size so that these uses have ample room for future expansion.*

(Regional Official Plan: Niagara Region, Policy 5.B.8.1 b)

*1) Requirement that the farming operation is viable*

One of the most common requirements when municipalities indicate small lot creation may be allowed is the ability to demonstrate that the proposed farming operation will be viable, as seen in Niagara Region. This has also been indicated in a few other official plans which can be seen as follows:

*Smaller sizes will be considered where:*

- .. it can be demonstrated that the subject parcel can be a viable economic enterprise;*  
(Chatham-Kent Official Plan, S. 3.10.2.18.2 a i)

*The applicant shall generally be required to submit a farm plan to assist with the evaluation of the severance application and to demonstrate farm viability, where any of the farm lots resulting from the consolidation proposal are less than 30 hectares (75 acres).*

(County of Oxford Official Plan, S. 3.1.4.4.1)

*Smaller lots may only be considered where there is clear evidence that the farmer intends to conduct an agricultural pursuit which can be successful on a smaller property.*

(County of Wellington Official Plan, S 10.3.2)

*2) Requirement that the farming operation is a sustainable agricultural operation*

The County of Brant indicates that parcels of less than 40 hectares may be permitted in rare circumstances dependent on a number of factors, but specific consideration is given to small lot creation for a *sustainable agricultural operation*. The County indicates that the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) may be consulted or a peer review may be required in this evaluation.

### *Existing undersized parcels*

Some municipalities indicate that there are existing lots of record or smaller agricultural land holdings already in existence within agricultural areas. Generally, the intent is to keep these parcels within agricultural use. In the case of the County of Brant the use of these for a new agricultural operation is dependent on proving viability. The County of Oxford has further restrictions on the use of these properties indicating that small holdings will be zoned in an appropriate restrictive agricultural zoning category and new farming operations must demonstrate their economic viability over a 5-year span.

Figure 2. Regional Policy on Minimum Lot Size (the following policies deal primarily with prime agricultural lands and therefore does not include policies pertaining to rural lands)

Region	Policy Attributed to	Minimum Lot Size Requirements
County of Brant	Agriculture Designation	<p>-minimum lot size 40 hectares</p> <p><i>-consents may be granted to create a smaller farm parcel size than the 40 hectare minimum lot size if the proposed farm unit is a sustainable agricultural operation. The Ministry of Agriculture Food and Rural Affairs may be consulted in this evaluation, or a peer review may be required. Certain conditions may be imposed by the committee of adjustment to ensure that the proposed use is developed as described in the application..</i></p> <p><i>-A consent to create a lot of less than 40 hectares may be granted conditional on one of the parcels being added to an abutting property and the existing dwelling unit remains with the remaining parcel so that no new building lots have been created.</i></p> <p><i>-Consents for farm parcels smaller than 40 hectares can be considered in special circumstances if the consent is considered appropriate by OMAFRA or as a result of a peer review, and may be subject to the provision and review of business plans. Generally, the lot remaining shall either be:</i></p> <p style="padding-left: 40px;"><i>i. of viable farm parcel size; or</i></p> <p style="padding-left: 40px;"><i>ii. consistent with the policy for the surplus farm dwellings, and be generally less than 0.6 hectare in size unless suitable justification can be provided for a larger lot.</i></p> <p><i>-Specialty farm operations and greenhouse operations may be established on existing smaller lots of record subject to appropriate conditions as set out by the County and/or a justification of the agricultural viability of the farm unit. Viability shall be to the satisfaction of the County after considering if it is appropriate for the type of agricultural use, appropriate and common for the type of agriculture in the area and allow for flexibility for other types of agricultural uses.</i></p>
County of Bruce	Agriculture Areas	<p>- minimum farm size of generally 40 hectares (100 acres) for new or remnant farm parcels,</p> <p><i>-Smaller, specialized, farm parcel sizes will only be permitted if the owner can demonstrate that:</i></p> <p style="padding-left: 40px;"><i>i) The size of both the parcel to be severed as well as the parcel to be retained is appropriate for the type of agriculture proposed for each parcel;</i></p>

		<p><i>ii) The size of both the parcel to be severed as well as the parcel to be retained is appropriate for the type of agriculture for the area where the parcels are located and the size of both parcels are common for the area; and</i></p> <p><i>iii) The size of both proposed parcels permit them to be used for other types of agriculture in the future.</i></p> <p><i>-In no instance shall an original Crown surveyed lot be divided into more than two (2) parcels including the retained portion.</i></p>
Chatham- Kent	Agriculture Area	<p><i>-the minimum area of both the retained and severed lots shall be 50 acres (20 hectares). Smaller sizes will be considered where:</i></p> <ul style="list-style-type: none"> <li><i>- it can be demonstrated that the subject parcel can be a viable economic enterprise;</i></li> <li><i>- the size of the parcel to be severed and the parcel to be retained is appropriate for the type of agricultural purposes for each parcel;</i></li> <li><i>- the size of the parcel to be severed and the parcel to be retained is appropriate for the type of agriculture for the area in which the parcels are located;</i></li> <li><i>- the size of the parcel to be severed and the parcel to be retained is common for the area in which the parcels are located;</i></li> <li><i>- the size of the parcel to be severed and the parcel to be retained is sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations.</i></li> </ul>
Dufferin County	Agricultural Area	<p><i>...the County encourages local municipalities to establish minimum agricultural lot sizes within their official plans which seek to minimize the fragmentation of agricultural areas while accommodating a broad range of agricultural and farming operations.</i></p> <p><i>...the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large enough to maintain flexibility for future changes in the type or size of agricultural operations.</i></p> <p><i>-For prime agricultural areas within the Greenbelt Plan Protected Countryside, the minimum lot size will be 40 hectares (100 acres).</i></p>
Durham Region	Prime Agricultural Policies	<p><i>-The creation of parcels of land for agricultural uses of less than 40 hectares shall not be permitted.</i></p>
County of Essex	Agricultural Designation	<p><i>-The County shall undertake an Agricultural Lot Size Study to determine the minimum parcel size for all types of agricultural lots, including, but not limited to, new lots for agricultural uses, specialty crop areas, and agriculture-related uses.</i></p> <p><i>-Lot creation to accommodate an agricultural use shall only be considered where the lots proposed are of a size appropriate for the type of agricultural uses common in</i></p>

		<i>the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations.</i>
County of Hastings	Agricultural Land Use Designation	-farm holdings to be generally not less than 40 hectares.
Huron County	Prime Agricultural Areas	- <i>The creation of any lot for agricultural purposes must be of a size appropriate for the type of agricultural uses common in the area and sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations.</i>  - <i>Lot sizes in agricultural areas will be set out in local Plans.</i>
County of Middlesex	Agriculture Areas	- <i>consents for new farm lots shall generally not be considered where the result is the creation of a farm lot less than a typical township lot of about 40 hectares. Consents for the creation of new farm lots shall be considered where both the size of the lands being severed and the lands being retained are appropriate to:</i>  <i>1. the type of agriculture being engaged in or proposed to be engaged in; and</i>  <i>2. the type of agricultural activity and farm lot size common in the area.</i>  <i>In general, farm lot size shall be sufficiently large to create large contiguous farming blocks and to maintain flexibility to adapt to future changes in agriculture and to avoid the unwarranted fragmentation of farmland.</i>  <i>-A minimum farm lot size shall be established in the Zoning By-laws of the local municipalities;</i>
Niagara Region	Unique Agricultural Areas	- <i>..policies for lot creation in Local Official Plans can be more restrictive than the following policies and still conform to this Plan.</i>  - <i>The consent to convey is for an agricultural use where the severed and retained lots are intended for agricultural uses and provided the minimum lot size is 16.2 hectares.</i>
Niagara Region	Good General Agricultural Areas	- <i>..policies for lot creation in local Official Plans can be more restrictive and still conform to this Plan.</i>  - <i>The consent is for a farm operation supported through a farm business plan and provided that the resulting parcels are both for agricultural use and the size of the resulting farm parcels:</i>  <i>i) is appropriate for the farming activities proposed,</i>  <i>ii) is suited to the particular location and common in the area, and</i>  <i>iii) provides some flexibility for changes in the agricultural operation.</i>  <i>The foregoing includes small lot severances for greenhouses and other intensive forms of agriculture 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 intensive agricultural uses such as greenhouse operations be of a sufficient size so that these uses have ample room for future expansion.</i>

Northumberland County	Agricultural Area	<p><i>-New lots may be permitted in the Agricultural Area designation if the local Official Plan supports their creation and if: The lot is to be severed to create a new farm lot and both the retained and severed parcels each have a lot area of about 40 hectares and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;</i></p>
County of Oxford	Agricultural Reserve	<p><i>-Area Councils shall establish minimum farm parcel sizes in the Zoning By-Law.</i></p> <p><i>-criteria for the creation of new farm parcels include:</i></p> <p style="text-align: center;"><i>.....</i></p> <p><i>-Flexibility shall be maintained, such that farm parcels remain sufficiently large to permit a change in the commodity produced, scale of operation, diversification or intensification;</i></p> <p><i>-Suitability of farm parcel size and configuration to the type of agriculture in the area as well as the farm parcel size typically associated with the type of agriculture proposed;</i></p> <p><i>-The applicant shall generally be required to submit a farm plan to assist with the evaluation of the severance application and to demonstrate farm viability, where either the lot to be severed or the lot to be retained is less than 30 hectares (75 acres)..</i></p> <p><b>Existing Under-Sized Agricultural Parcels</b></p> <p><i>-It is recognized that there are numerous small agricultural land holdings in the agricultural designations. It is the intent of this Plan that such parcels will primarily be utilized for agricultural pursuits and as such do not constitute sites for non-agriculturally related development.</i></p> <p><i>...existing parcels within the Agricultural Reserve designation that are greater than 1 ha (2.47 acres) in area, but not more than 16 ha (39.5 acres) and that are occupied by an existing dwelling shall generally be zoned in an appropriate restrictive agricultural zoning category in the Area Zoning By-law.</i></p> <p><i>-A new farming operation shall only be established on an undersized agricultural parcel where it has been demonstrated that the proposed farm will be economically viable within a period of 5 years.</i></p>
County of Perth	Agriculture Designation	<p><i>- As a general rule, the splitting up of original farm units (e.g. 40.5 hectare/100 acre units) into smaller farm parcels will be discouraged.</i></p> <p><i>...farm parcel size be large enough to facilitate flexible and efficient farm operations over the long term. The size of individual farm operations should be large enough to permit the carrying out of a wide range of agricultural activities.</i></p>

		<p><i>-Farming must be the existing and/or intended use. The size of each lot involved should be appropriate for the type of farming use proposed and the type of farming use proposed must be suitable given the agricultural characteristics of the general area within which the subject land is situated and the availability of such related facilities as may be necessary to support the proposed farming use;</i></p> <p><i>-The size of each lot involved must be large enough to provide the current/future farm operators with the flexibility of expanding, diversifying, or intensifying the farm operation, or of changing the type of commodities produced in order to meet changing economic conditions and trends in agriculture</i></p> <p><i>-It is recognized that there are several existing lots of record in the "Agriculture" designation which are both vacant and smaller than the minimum lot area requirements for farm use as set out in the local municipalities implementing Zoning By-law. It is the general intent of this Plan that such lots be developed and used for farming uses or other uses permitted in the "Agriculture" designation by this Plan;</i></p>
United Counties of Prescott & Russell	Farm Consents	<p><i>-Farm lot size shall be maintained as large as practical and farm consents to land severance shall only be considered where the Consent Approval Authority is satisfied that the lots be:</i></p> <ol style="list-style-type: none"> <li><i>1. of a size appropriate for the type of agricultural uses common in the area; within the United Counties of Prescott and Russell, both the severed and retained parcels shall be generally 40 hectares in size, and;</i></li> <li><i>2. sufficiently large enough to maintain flexibility for future changes in the type or size of agricultural operations;</i></li> <li><i>3. the proposed consent does not create or promote inappropriate agricultural land...</i></li> </ol>
County of Simcoe	Agricultural Designation	<p><i>-...new lots for agricultural uses should not be less than 40 hectares or the original survey lot size, whichever is lesser, or 16 hectares in specialty crop areas.</i></p>
Region of Waterloo	Prime Agricultural Area	<p><i>- the minimum lot area for both the newly created and retained farm parcels will be 40 hectares each; or where the newly created or retained farm parcels would have lot areas less than 40 hectares, the owner/applicant will be required to provide information satisfactory to the Region, which demonstrates that the resulting farm parcels will:</i></p> <ol style="list-style-type: none"> <li><i>i) be of a size appropriate for the type of agricultural uses common in the area; and</i></li> <li><i>ii) be sufficiently large enough to sustain an economically viable farm operation and to maintain flexibility for future changes in the type or size of agricultural operations.</i></li> </ol> <p><i>-This Plan recognizes that there are many existing farm parcels within the Prime Agricultural Area and Rural Areas designations that are less than 40 hectares in area. These undersized parcels are considered as agricultural uses except where otherwise provided for in this Plan.</i></p>

County of Wellington	Prime Agricultural Land	<p><i>-New lots for agricultural operations shall be of a size appropriate for the type of agricultural use(s) common in the area and sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations.</i></p> <p><i>-New agricultural lots will normally be a minimum of 35 hectares in size.</i></p> <p><i>-Smaller lots may only be considered where there is clear evidence that the farmer intends to conduct an agricultural pursuit which can be successful on a smaller property.</i></p> <p><i>-Where practical, the creation of agricultural lots along the original lots in the Township survey is encouraged even if somewhat smaller than normal lots result.</i></p>
County of Wellington	Secondary Agricultural Areas	<p><i>-New lots for agricultural operations shall be sufficiently large to allow the type or size of agricultural operations common to the area. Smaller lots may only be considered where there is clear evidence that the farmer intends to conduct an agricultural pursuit which can be successful on smaller property.</i></p>

*\*italicized is direct wording from official plans and non-italicized is abbreviated or summarized*

## Farming Community Workshops

Through workshops conducted with the farming community in Southern Ontario on both SRSs and small lot creation for new and niche farmers a number of perceived benefits, disadvantages and concerns on allowing such severances were captured. The following summarizes the key themes from these sessions as identified by the participants:

### a) Surplus Residence Severances (SRSs)

#### i) Benefits

Key Themes
<p><i>Economic benefits</i></p> <p>One widely cited benefit of allowing SRSs pertains to the economic and financing outcomes of being able to sever the house. Discussion surrounding this included the ability for the value of the house to be realized by selling it. While the value of the farm may increase in a speculative way, the eventual severance may lead to an overall reduction in the value of farmland (excluding the house). The sale of the dwelling was also discussed to help finance the purchase of new farmland for operation expansion and to reduce farm taxes and costs. (Recognizing that for a farmer who wants the house and farmland this may lead to a significant increase in the cost of the farm).</p>
<p><i>The house is undesired</i></p> <p>It was indicated that sometimes a farmer has no interest in keeping a surplus farmhouse. This can be because the farmer has no interest in renting the house due to the commitment of being a landlord or the taxation cost of keeping it is higher than bulldozing it or removing it from the land altogether. As well, the severance gives farmers options to buy land or increase their farm operation size without having to acquire a house.</p>
<p><i>Multi-generational farm succession</i></p> <p>The ability to sever has been discussed to be an important tool giving farmers the ability to succession plan for their farm. The dwelling can serve as a retirement residence for farmers so they don't have to move away from the farm (especially with abutting farm consolidation) and can contribute to estate planning and the protection of farm equity.</p>

## Other Benefits Mentioned

### *Contribution to rural housing stock*

It was mentioned that the ability to sever the house can allow an option for a dwelling to stay habitable and available for occupation as opposed to tearing it down. As well it was discussed that in some regions where heritage dwellings are prominent this type of severance may be beneficial for preserving built heritage, though this may be more important in some areas than others.

### *Farmland protection*

Some people suggested that severing a surplus dwelling can contribute to farmland protection arguing that since the dwelling has already been built there is no new impact on farmland through the severance. What's more, there is benefit in ensuring severed lots remain small in comparison to the purchase of vacant farm parcels being used for estate development. The fact that current policy helps ensure that no new dwellings are built on remnant farmland parcels was discussed as the remnant parcels remain exclusively as farmland.

### *Increased servicing*

Another participant mentioned that SRSs can help communities to increase or retain servicing within rural areas. In other words, the more houses (and people) the more easily certain services can be maintained such as schools and buses.

### *Potential opportunities for younger/new farmers*

With the residence severed off it was mentioned the land may be more affordable helping younger farmers access land. As well, the allowance of such severances could potentially create opportunity for smaller lots for new farmers if the severed lot could be a larger size (ex. 10 acres) and were required to be used for agriculture.

## ii) Disadvantages/Concerns

### Key Themes

#### *Loss of farmland to residential use and estate development*

There is concern that SRSs contribute to land being taken out of agricultural and food production. In some cases, while the residence may already exist, the combined cumulative effect of these severances can be a detriment to agriculture. A common concern expressed in allowing SRSs is the creation of estate properties. It was mentioned that restrictions are needed on the size of the dwelling permitted to limit this.

#### *Multiple severances on one property*

Concern was expressed that poor regulation of SRSs could lead to multiple applications over time on the same property (i.e., cumulative SRSs) as well as too many houses in farmland. To help minimize this it was suggested that the residence should have been built before a certain date thereby minimizing the potential for repeating severances on the same parcel. While agriculture purposes only zoning on the retained lot could also help to ensure that farmland has a true agricultural value (vs residential) there are also concerns that this land cannot then be used by new farmers looking to buy land since a dwelling is not able to be built on these lots.

#### *Heightened potential for conflict between rural residents and agriculture operations*

With new non-farm residences there is the potential for a lack of understanding of the countryside, agriculture and normal farm practices by new rural residents. It was mentioned that even though the original intention behind a severance may be for farm succession purposes a residential lot is thus created. Further, it was mentioned that severing the dwelling offers less control than renting it out and there can be long lasting effects with potential for complaints coming from the second or third owners of the house. More specifically, concern had been identified in loss of control giving way for complaints about odour and noise from livestock by new residents on new residential properties. This loss of control may open the door for potential future restrictions relating to Minimum Distance Separation (MDS) for livestock operations on the retained farmland. As well, the potential desire for urban services by new residents which could create servicing challenges and potential new traffic regulations were mentioned.

## Other Disadvantages/Concerns Mentioned

### *Implementation challenges*

It was discussed that there are different policies in different municipalities regarding SRSs and making sure the purchasing farmer is the owner of the property across municipalities is important in ensuring consistency and integrity to the policy.

### *Are SRSs fueling land prices to rise?*

The severance of a surplus dwelling also makes it easier to pay more for a subject farm property. For example, a farmer may pay above the normal farm value because he/she can sell the house afterwards thereby recouping some of the farm cost. While this may work for the seller and may work for the farmer purchasing the land it is a problem for a farmer who actually wants the farm to live and farm on (i.e., they end up paying for both the residential and farm value).

## b) Small Lot Creation for New Entrants and Niche Farms

The workshops also provided an opportunity for participants to discuss the merits of creating smaller parcels for agricultural purposes. Some of the key observations follow:

### i) Benefits

#### Key Themes

##### *Support for diversification and intensification*

It was mentioned that smaller lots create space for new and different types of operations, higher value crops and culturally diverse food production. The intensification of crop production was also mentioned to have a smaller footprint.

##### *Supports tourism/residents/farmers/labourers*

It was mentioned that smaller lot creation for new and niche farmers could contribute to population attraction in rural areas. Firstly, the importance of allowing smaller lots can contribute to using a multi-generational lens when planning for the future of agriculture by creating opportunities for new farming operations. As well, smaller lots could bring people into the countryside, particularly people who like the rural lifestyle as well as contribute to the labour market. What's more smaller lots may suit the needs of Anabaptist communities in some cases. The ability of new and niche farming operations to bring agri-tourism to the area while increasing the profile of the area and bringing money to the municipality was seen as a potential benefit of small lot creation. As well, other benefits could arise such as increase in amenities and schools, jobs, and increased public knowledge and exposure to farmers and farming areas.

## Other Benefits Mentioned

### *Local food production support*

It was mentioned that small lots are beneficial to have as the local food movement grows; smaller plots are needed for local food production especially near urban areas, and smaller lots could potentially serve as a transition edge between urban areas and large agricultural operations. A suggestion was presented that an exemption could be made in municipalities to permit small lot sizes if a business plan is presented that supports local food production.

### *Farm affordability*

One of the benefits mentioned is that accessibility of smaller lots can support farm availability when limited capital is available. Though how affordable and therefore attainable smaller lots would in fact be was also questioned by participants.

### *Smaller lot creation and existing farms*

It was mentioned that small lot creation could financially benefit existing farm operations. Awkward parts of lots that are not workable for conventional farms could potentially be sold providing for niche farming operations which may have more flexibility in how they farm.

## ii) Disadvantages /Concerns

### Key Themes

#### *Farmland fragmentation and loss to residential development*

The potential for small lot creation to contribute to farmland fragmentation was mentioned through turning farmland into small rural parcels each with a house as well as through the potential to lose the flexibility in having large continuous areas of farmland.

#### *Estate property creation/other uses*

Concern was expressed that many small lots are currently turning into estate properties, especially close to urban centers where it is difficult to keep them from becoming so. Thus, there is a need to ensure this is not the case if small agricultural lot severances are allowed. Three potential conflicts were noted in this regard; first the potential for lots to be bought with the intention of an agriculture use but which are then turned into estate properties. Secondly, concern that if new entrants fail there will be many small lots and thus the potential creation of estate properties, and thirdly, that not having a limit on built house size on the lot is of concern. There was also mention that the rise in cannabis production could potentially sweep up small lots taking their availability away from other types of farming operations.

#### *The question of viability*

In relation to the discussion over residential and estate development in agricultural areas a concern was that of the viability of small scale new and niche farming operations. Specifically, there was concern over a potential low success rate and the questionable longevity of these

smaller, higher intensity operations functioning on smaller parcels. What's more, concern was expressed that there may not be a long-term commitment to farming. If a new operation fails, then there is concern that a new parcel may easily evolve into a new residential lot. Pertinent to this discussion was also the question of how viability is defined if this is the basis for this type of severance. As well, attention was drawn to the question of who is considered a bona fide farmer and how is this decided?

*Challenges for normal farm practices, the agricultural community and farmland flexibility*

There was concern over the creation of small lots and their relationship to the agricultural community. The Minimum Distance Separation (MDS) Formula were provided as an example. Cannabis cultivation on small lots and concerns over potential conflict with other farms and residents was also mentioned.

**Other Disadvantages/Concerns Mentioned**

*The question of defining a small lot*

A few questions arose when considering what was meant when discussing small lots in the current context. Specifically, what size is needed for a viable farming operation? This point was furthered by indicating concern over estate development if the lots are too small. As well, the question arose as to if small lot creation was permitted, how many of these lots would be allowed?

*Pressure on municipalities and rural communities for services*

The potential for more servicing pressure on municipalities due to increase in residents was mentioned.

*Agri-tourism*

While it was mentioned that new and niche farming operations could bring tourism to the area tourism was also viewed as a concern. Concern was mentioned in that not all farmers want tourists around for biosecurity and livestock health reasons and there is the potential for the creation of tension and challenges between agri-tourism and normal farm practices on existing farms. It was thus mentioned by one participant that tourism can be beneficial if it is done in clusters.

## Interviews with Regional Municipal Planning Offices

Seven interviews were conducted with regional municipal planners across Southern Ontario in February 2021 on SRSs and small lot creation for new and niche farmers. The following is a summary of those discussions and applicable reference material supplied by municipal staff:

### a) Surplus Residence Severances (SRSs)

While all regions that participated in interviews currently had SRS policies in place, the extent to which the policy was being used by the agricultural community varied by region. For example in the County of Bruce, according to the Plan the Bruce: Agriculture Interim Report (2020), between 2015 to 2019 there were 99 applications for SRSs (Planscape Inc. & Bruce County Planning, Pg. 62). Halton Region on the other hand has not received any applications since re-implementing a SRS policy in 2018 due to pressure from the agricultural community to have the ability to sell a surplus house after a previous long-standing removal of the policy.

It was found that dates of adoption as well as SRS policy vary by region as did planning departments' contentment in the current policy's ability to serve both the agricultural communities' needs as well as meet provincial direction. As such, many municipalities had either recently made changes to the policy or were in the process of doing so. Themes that emerged in interviews regarding changes made to enhance the suitability and the effectiveness of SRS policy can be sorted generally into two categories: the desire to make the policy more restrictive to either limit the number of severances and better protect agricultural lands and agricultural practices over the long term, or the desire to make the policy more lenient to better support agricultural and rural communities by including more flexibility in application and outcome. The following are themes that emerged regarding SRS policy development within municipalities:

#### *Dwelling age requirement*

The most cited SRS policy change that builds off of Provincial direction was a minimum age requirement for the dwelling to be severed. While some municipalities already had this as part of the policy, others have added this more recently or are in the process of making this change. One municipality noted the implementation of an age requirement can restrict applicants taking advantage of policy loopholes, and without a dwelling age requirement there is the possibility that someone can build a house on a piece of agricultural land and then sever it. But it was also demonstrated that the perceived need for a dwelling age requirement differs by municipality. In the County of Bruce, according to the Plan the Bruce: Agriculture Interim Report (2020), there isn't a perceived issue with cumulative severances in the region and thus an age requirement is not seen as needed for their new Official Plan (Planscape Inc. & Bruce County Planning, pg. 63). Similarly, new residential development was not noted to be a major concern in agricultural areas in the United Counties of Prescott & Russell, and the age requirement on the dwelling was removed from their Official Plan because it was found that determining the age of the house was too complicated to administer.

### *Is the intent of the severance policy being realized?*

A concern brought up in a few instances is the possibility of property flipping where properties can be bought, consolidated, the house severed and then the properties sold. Both the implications this has on agricultural protection, and the intended use of the severance when someone is able to build a new house and flip the property were mentioned. In addition to conformity with the PPS and consistency with the County of Essex Official Plan, some lower-tier municipalities in the County of Essex have imposed criteria in their Official Plans to clarify how a farmer can qualify for a SRS. For example, the Municipality of Leamington requires a minimum lot area for the retained farm, a minimum age of the dwelling, a cap on the number of severances per property depending on its size and when it was created, and a requirement that the owner of the property has had possession for one year prior to applying for a SRS, though the latter two policies are under review. The Municipality of Leamington is unique because it recognizes a minimum farm lot size of 10 ha (24.7 acres), which is much smaller than the provincial recommendation of 100 acres. Since one dwelling is permitted per property, the smaller farm size allowed more dwellings to be built in an area than if the farms were larger. The intent of the stricter criteria to qualify for a SRS was to prevent property owners from “flipping” farms just to capitalize on selling residential lots in the agricultural area. The additional criteria has served to ensure that the most amount of land in the agricultural area is used for agricultural purposes.

### *Supporting the agricultural/rural community*

Another theme that emerged when making changes to SRS policy in some regions was looking at how well current policy supported the agricultural and/or rural community. The topic brought up three main themes:

#### *i) Do current application policies support community needs?*

While one municipality mentioned that applications received for SRSs were largely for retiring farmers, other municipalities have expressed the need for re-examination or direction regarding who should qualify as a farmer or applicant. In the County of Bruce it is indicated in the Plan the Bruce: Agriculture Interim Report (2020) that consideration may be given to reviewing the requirement that an applicant be a ‘bona fide farmer’ to determine if this requirement is an important restriction or if it does not allow enough flexibility for applications (Planscape Inc. & Bruce County Planning, 2020, pg. 63). As well, in the County of Perth changes are proposed to remove the requirement that all lands involved in the consolidation must be within the County, allowing more flexibility for applications. One concern mentioned in interviews in regard to the eligibility of farm properties is the challenge of then creating agricultural purposes only lots when non- abutting consolidation applications are allowed. Mention was given to the fact that this could limit flexibility in being able to use the lot for livestock operations if someone is not able to live on the property.

#### *ii) Leniency on residential lot size, secondary uses and heritage farm buildings*

Another direction identified for creating more lenient policy involves increasing more flexible policy for the severed residential lot. The County of Perth poses as an interesting example,

when their SRS policy was recently implemented the policies were very prescriptive. The outcome of this was restrictive policy that was supporting the creation of very small residential lots that lacked flexibility in use appropriate for a rural environment. Further concern was expressed in that the policy was not supporting the preservation of farm heritage buildings. The Planning and Development Department has since proposed an Official Plan Amendment (OPA 189) to allow for more flexibility in determining the size of the residential lot while ensuring as much farmland as possible is preserved. Proposed changes also include recognition of home industry as a secondary use to the residential use of the property and includes policy to support the retaining of heritage farm buildings and barns that will not be used for livestock. As well, the proposed amendment addresses changes to allow a certain small number of livestock on the property.<sup>1</sup> Similarly, in the County of Bruce in consideration of SRS policy, reviewing the benefits or disadvantages of allowing irregular shaped lots, retaining barns and the appropriateness of the current prohibition of livestock on the severed residential lot were listed as recommendations for policy review in Plan the Bruce: Agriculture Interim Report (2020). (Planscape Inc. & Bruce County Planning, pg. 63)

### iii) Community divide/support/conflict

One challenge derived from interviews is the ability to create policy that addresses a certain desire for this type of severance while ensuring longer term agriculture community viability. The necessity and challenge in creating an understanding in the rural/agricultural community as well as with people moving into rural areas of the long-term effects of multiple severances on livestock operations, normal farm practices, and agricultural viability was expressed. As mentioned, conflict can arise between the farming community and residential uses. In one example, the County of Essex Planning Services Department notes challenges can arise between greenhouse operations and residential uses due to the nature of the greenhouse operation with heavy truck traffic, noise, dust, lighting and sometimes odour.

## b) Small Lot Creation for New Entrants and Niche Farms

Generally, counties and regions have discouraged smaller lot creation. This reflects provincial policy direction typically resulting in lot sizes of around 100 acres, though a few considerably smaller minimum lot sizes are noted at the lower-tier level in areas where smaller lots have

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<sup>1</sup> The Perth County Planning and Development Department provided the following update (June 3, 2021):  
The amendment proposes to

- Remove the requirement that the farm to which the Surplus Farm Dwelling (SFD) is deemed surplus to must also be located within the County of Perth;
- Aid in the determination of appropriate minimum lot size, taking into account site specific characteristics;
- Remove the text prescribing specific accessory uses and structures in order to allow a rural context to be considered in evaluation of accessory;
- Recognize artisan vocations as well as trade vocations as home based employment that could be conducted within a dwelling or accessory structure, and
- Allow the implementing zoning bylaws in each lower tier to prescribe permission for or detailed provisions for home based employment and non-commercial keeping of animals (ie not a livestock operation and accessory to a residential use).

been conducive to the types of agricultural operations in the area. Upper-tier and single-tier municipalities do however struggle with balancing provincial policy directions while retaining flexibility, farmland preservation and the sustainability of farming communities. As many planning departments interviewed were writing new official plans or a five-year review this posed as a critical time to discuss questions pertaining to both current and perceived future demand for small lots, the need for smaller lot creation, and context specific considerations regarding feasibility and long-term agriculture viability.

Through interviews a number of themes emerged in discussion regarding this topic:

#### *Demand/inventory*

- i) Current and future pressure for small lot creation for small and niche farms varies by region or area.

Across municipal jurisdictions there was varying perceived demand for small lot creation for new and niche farming operations. In some areas there had been very few applications and limited demand for these types of severances while in other areas there has been some demand and a perceived increased demand in the future. Perceived increases in demand were attributed to specific location benefits, land price increases, population expansion, market changes and an increase in number of retiring farmers. The interviews suggest that peri-urban areas close to large settlements which have immediate access to a large urban population and potential customer base, as well as areas that attract organic farmers and creative farming operations are locations that are expected to be of considerable interest for niche farmers in the future. Prince Edward County has seen some pressure for smaller lots in the region as the price of land rises, and Halton Region's smaller farm size pattern was noted by the Planning Department as being beneficial alongside other regional benefits such as urban market access and potential for agri-tourism development for attracting niche farmers. On the contrary, in the County of Essex where minimum lot sizes fluctuate between 25 and 100 acres depending on lower-tier municipality the Planning Services Department noted that there was little perceived demand for lot creation from new and niche farming operations, though perhaps if there is future demand it may vary by location. Additionally, the County of Essex: Agricultural Lot Size Study (2017), found that the numerous smaller lots in the County were not being used by young farmers (The Jones Consulting Group Ltd. & AgPlan Limited, pg. 4). Variation in where the demand is coming for smaller lots may also fluctuate by location; The Plan the Bruce: Agriculture Interim Report (2020) notes that demand for smaller lots may in part be due to specific needs of Mennonite and Amish communities (Planscape Inc. & Bruce County Planning, pg. 51).

- ii) There are lots

Work on new official plans or 5-year reviews led some counties and regions to discuss the need to change minimum lot sizes in *prime agricultural areas*, conduct Land Evaluation and Area Review (LEAR) studies and/ or undergo queries or inventory on lot sizes in agricultural or rural areas. Others were considering an undersized lot inventory analysis in the future. While none of the municipalities that had regional control of lot sizes mentioned perceived changes to their minimum lot size, the Plan the Bruce: Agriculture Interim Report (2020) notes that consideration may be given to allow special policy area creation to allow 50 acre lot creation in

areas where this is the original lot pattern (Planscape Inc. & Bruce County Planning, pg. 59). As well, currently, the County of Essex Official Plan does not require a County-wide minimum farm lot size. Each municipality has the ability to establish their own minimum farm lot size. As local municipalities in the County of Essex review their Official Plans, it is anticipated that each municipality will review and consider the outcome of the County of Essex Agricultural Lot Size Study and review agricultural lot size minimums to ensure more consistency across the County and to be in conformity with the PPS, though most of the municipalities in the County of Essex already have 100 acre minimum farm lot sizes. Furthermore, the County of Essex has just begun their Comprehensive Official Plan Review and it may result in implementing a County-wide minimum farm lot size.

Municipalities that had compiled small lot inventories or had done lot queries found that there were indeed a number of undersized lots in *prime agricultural areas*, in some cases considerably so:

- For example, the Plan the Bruce: Agricultural Interim Report (2020) shows there is a broad range of lot sizes with more than half of lots that have an agricultural code being under 100 acres (Planscape Inc. & Bruce County Planning, pg. 53), and there are 379 existing vacant lots (without buildings or structures) in the 10-49-acre category (pg. 54).
- Similarly, the County of Essex: Agricultural Lot Size Study (2017) notes that agricultural lots of 100 acres or more account for less than 7% of all agricultural lots and 78.2% of lots are less than 60 acres (The Jones Consulting Group Ltd. & AgPlan Limited, pg. 3). This Study also mentioned that at the time there was no indication that allowing smaller lot creation would increase new farmer access; “In contrast, the evidence suggests that new smaller agricultural lot creation will increase competition between farmers and non-farmers, which may make lots less affordable to new/young farmers” (pg. 4).

In addition, in one example a number of smaller lots were found within the rural area.

Despite the identification of smaller lots in multiple jurisdictions there were differing views on sufficiency of these lots to support current and perceived future demand. Discussion brought forth some key considerations for analyzing lot inventory sufficiency:

1. *Are current locations desirable for operations?*

It was noted that while small lots may be available, they may not be in a desirable location for the operation. This may be of significance in regions where agricultural operation types differ by location. As well, a proposed organic operation may not have access to smaller land parcels that are certified or cannot be certified for years.

2. *Do lots need to necessarily be in prime agricultural areas?*

One municipal planning department discussed that a number of undersized lots were found outside of the agricultural area, instead within the designated rural area. While soil quality may

not be class 1 there were still a number of arable parcels that could be suitable to niche farming operations and are still good farmland.

### 3. Are these lots being used and/or suitable for farming?

A few municipal planning departments noted their queries for small lots in *prime agricultural areas* did not identify if they are in fact either under or suitable for agriculture use. For example, one regional planning department mentioned that there are many parcels classified under the farm property code in the Region that are under 100 acres in size. Often these parcels are purchased by non-farmers with a large portion of property rented to qualify for farm tax rates. As well, another department mentioned that their query did not document if parcels consisted of arable land, and The Prince Edward County Planning Department mentioned that water availability was as important as size in determining the viability of the subject parcel.

### 4. Are lots available and/or accessible?

Another consideration is if lots inventoried are in fact available and on the market and if so are they affordable. Difficulty in accessing small lots due to the increase in land prices, market demand and/ or competition with residential and estate development and hobby farms was mentioned to be of concern in terms of accessibility in some regions. In one example, the Halton Region Planning Department mentioned that because of the peri-urban nature of Halton Region development potential is reflected in agricultural land value, and while smaller lots used to be affordable for agriculture many lots are now bought by people from the city who live there and rent out the farmland. Additionally, the Region does not allow lot creation for agricultural purposes, and currently many farmers rent land instead of owning it.

### *Policy/ implementation challenges*

Some are of the opinion that there is a need to establish policies to support small or niche agricultural operations (either existing parcels or the creation of new lots). Municipalities do struggle with this however. Interviews indicate while many municipal planning departments see the need to support these types of operations, they are conflicted with how to approach current and/or future demand for smaller lot creation for new and niche farmers. Concerns fall into two categories:

#### i) Interpretation and the implementation of provincial policy

Keeping up with changing provincial policy was identified as a concern. The need to support “..all types, sizes and intensities of agricultural uses..”, as identified in the Provincial Policy Statement (PPS), 2020, (S.2.3.3.2), was flagged as a contradiction if we only allow larger parcel sizes. One municipal planning department expressed that sometimes it’s hard to determine what supporting these really means. Other comments on the topic included that after recently implementing large minimum lot sizes it was difficult to now allow smaller lots, and additional provincial direction would be useful.

ii) Determining what farms should be allowed

Municipal planning departments are also challenged with creating a policy framework that justifies the creation of a smaller lot. Farm viability is often part of this discussion. A number of planning departments flagged concerns over how a viable or a sustainable farm operation should be defined. Even if this type of terminology has already been incorporated into official plans, there was still concern over lack of procedural direction on how this terminology was to result in policy and be implemented. In one discussion confusion was raised as to if this should be determined through a market study or a business plan that the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) needs to review.

## Potential Directions Moving Forward

### a) Surplus Residence Severances (SRSs)

Discussions with the farm community indicated a degree of support to sever surplus farm residences. At the same time, however, there was recognition of the potential for residential and estate development to negatively impact agriculture. Reflecting these discussions and policy directions offered by a number of regional municipal planning offices to better support rural communities and/or to limit severances the following policy directions are offered:

#### Policy Considerations:

1. Age of house to be severed: Houses should not be built with the specific purpose of severing them as a surplus residence. To avoid speculation of this nature a minimum age of proposed severed houses should be established.
2. Size of severed lot: While the amount of land required to support a residence should consume as little farmland as possible (recognizing the need to accommodate private services) there may be situations where lot sizes can be increased reflecting geography and property configuration. Some flexibility in this regard is appropriate.
3. Heritage buildings: There are examples of municipalities allowing the severance of a surplus dwelling where the subject residence is a heritage building. The Province may want to consider the promotion of the preservation of heritage farm residences where they qualify as surplus farm dwellings.
4. Definition of farmer: SRSs should reflect the needs of agriculture and not be viewed as a land development scheme. As such some municipalities have developed strong criteria requiring the farm applicant to be a “bona fide” farmer. The Province may want to consider offering municipal direction on eligibility requirements related to the definition of a farmer as applicant
5. Secondary use of the severed residential property: While surplus farm dwellings, once severed are viewed primarily as residences they sometime take on other additional uses in the countryside. Sometimes commercial or industrial and even agricultural. The province may want to consider recommendations pertaining to secondary uses on the severed residential property. There may be opportunities for certain types of agricultural operations on these smaller lots that are sometimes rezoned residential and yet may support land availability for niche farming operations.

### b) Small Lot Creation for New and Niche Farmers

Discussions with the farm community indicated general concern surrounding the severance of smaller lots for agricultural purposes. This reflects concern over the potential for residential growth in agricultural areas and the future viability of agriculture. Direction on

how municipalities can support new and niche farming operations while ensuring long term agricultural land viability can be addressed through the following:

Policy Considerations:

1. Inventory of existing small lots: Discussion indicated there may be significant quantities of existing small lots in *prime agricultural areas* in Southern Ontario. It would be useful for municipalities and the Province to jointly complete the analysis of how many and what types of lots exist. It is recommended that part of this analysis includes an assessment of current use: are they arable, are they in agricultural production, have they been converted to residential use, and if they are classified as an Agricultural Purposes Only Lot or have prohibited housing development due to being a product of a past SRS.
2. Opportunities in rural areas: Discussion indicated that in some regions there may be arable land suitable for niche agricultural operations in rural areas where smaller parcels might also exist. Further analysis on this would be helpful.
3. Affordability of existing small agricultural parcels: While smaller lots may exist are they affordable, available and attainable to new and niche farmers? Further examination and research on this topic is recommended.
4. Options for small acreage farms (other than severances): Alternative options to the creation of small lots for new and niche farming opportunities were identified. These mentioned creative land rental options such as opportunities where farmers can lease land before purchasing or be involved in mentoring programs with farmers that are well established. Also, the examination of farm sharing or communal farming opportunities was identified.
5. Regional variation: While there are issues associated with the potential establishment of small lots and in many instances they run contrary to the best interests of long-term agricultural activity it is recognized that in some regional situations there may be legitimate demand that outstrips existing supply. Discussion indicated that while there is some demand for small lot creation this demand varies by region and location. Where demand for legitimate smaller agricultural lots exceeds supply, provincial direction concerning the feasibility of varying this policy across the province would be beneficial (in what context and circumstance could small lot severance be permitted). As part of this process direction on applicant criteria should be considered. Specifically, should *viability or sustainability* of a proposed operation be a criterium and if so how would this be determined? Also, what is an appropriate minimum permitted size for an undersized lot, what are appropriate zoning requirements related to house size if a dwelling is to be built, and should a regional study on availability of existing suitable parcels be required prior to an approved severance. Finally, should these criteria be restricted to certain types of farms that can potentially prosper on small acreages such as organic operations or greenhouses?



## References:

- County and regional policy included in this report has been retrieved from current official plans posted on municipal websites

Geerts, H. (2016). *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas: Publication 851*. Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA). Queens Printer of Ontario, Toronto, Canada

Ministry of Municipal Affairs. (2017). *Greenbelt Plan*. Queens Printer of Ontario

Ministry of Municipal Affairs. (2017). *Oak Ridges Moraine Conservation Plan*. Queens Printer of Ontario

Ministry of Municipal Affairs and Housing. (2020). *Provincial Policy Statement: Under the Planning Act*. Queens Printer of Ontario

Ministry of Natural Resources and Forestry. (2017). *Niagara Escarpment Plan*. Queens Printer of Ontario

Planscape Inc. & Bruce County Planning. (October 2, 2020). *Plan the Bruce: Agriculture Interim Report*

The Jones Consulting Group Ltd. & AgPlan Limited. (January 2017). *County of Essex: Agricultural Lot Size Study*

## Appendix 1- Regional Policies

*The following are extracts of applicable policy from regional official plans. The content is the best attempt of the researcher to pull out important information from official plans that is pertinent to the research questions at hand. The reader is encouraged to reference the regional official plan for further detail.*

- i) The County of Brant Official Plan 2012, last OPA added November 3, 2020

### **3.3 Agriculture**

#### **3.3.2.2 Parcel Size**

The following policies shall also apply to land designated Agriculture, specifically with respect to parcel size:

- a. The minimum lot size within the Agriculture designation for newly created lots shall be 40 hectares, except as otherwise permitted by this Plan.
- b. Specialty farm operations and greenhouse operations may be established on existing smaller lots of record subject to appropriate conditions as set out by the County and/or a justification of the agricultural viability of the farm unit. Viability shall be to the satisfaction of the County after considering if it is appropriate for the type of agricultural use, appropriate and common for the type of agriculture in the area and allow for flexibility for other types of agricultural uses.
- c. Lot size requirements of the Agriculture designation may also apply to lands designated Natural Heritage System.

### **6.8.2 Consents**

#### **6.8.2.1 Agriculture Consents**

In addition to the Agriculture land use policies included in Section 3.3, the following policies shall also apply:

- a. Consents for the division of land in the Agriculture designation shall be discouraged. No consent shall be allowed within the Agriculture designation which may have the effect of creating lots that are not primarily related to agriculture, or agriculture-related commercial/industrial, or as specified by this Plan.
- b. An application for a consent shall be denied in the following instances:
  - i. the lot does not front on a public road;
  - ii. the lot is situated in an area where the County of Brant (or its designated agent) believes is unsuitable for sanitary services;
  - iii. the lot is entirely contained within the Natural Heritage System designation or Provincially significant woodlands; or
  - iv. the lot is entirely contained within an area identified as a primary aggregate resource area.
- c. Consents may be granted, subject to the above restrictions, for the following:
  - i. consents may also be permitted for legal or technical reasons, including severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments. In the case where the minor boundary adjustment is for the purposes of conveying land to an existing non-farm use, only the minimum amount of land required for the enlargement shall be conveyed and reasoning shall be provided to demonstrate the appropriateness of the land area to be severed (i.e. land need, servicing, parking, etc.). In all cases, the granting of such a consent shall not be permitted if it results in the creation of a new lot;

ii. consents may be granted to create a smaller farm parcel size than the 40 hectare minimum lot size outlined above if the proposed farm unit is a sustainable agricultural operation. The Ministry of Agriculture Food and Rural Affairs may be consulted in this evaluation, or a peer review may be required. The Minimum Distance Separation Formulae shall also be met. Certain conditions may also be imposed by the Committee of Adjustment to ensure that the proposed use is developed as described in the application. Such conditions could include the requirement that the agricultural buildings be substantially completed prior to the stamping of the deed and /or the construction of any residential unit or the requirement of certain environmental enhancement features such as topsoil preservation, water quality restriction, etc.;

iii. woodlands shall generally not be severed but shall remain with the farm unit unless the woodland is to be acquired for preservation or conservation purposes by the County of Brant or other public authority; and

iv. where previous or current farm consolidations have rendered a residence surplus to a farming operation, or where an established farm has more than one habitable dwelling which is considered surplus to the needs of the farm operation, a consent may be considered to sever the surplus farm dwelling from the farm unit, provided that, in addition to the general consent policies of this Plan, all of the following conditions are met:

1. the lot severed for non-farm use is large enough to accommodate the use and on-site servicing (i.e. subsurface sewage disposal and well) while ensuring that as little acreage as possible is taken out of productive agricultural land and shall generally be less than 0.6 hectares in size;
2. the Minimum Distance Separation Formulae can be met with the formulae applied as if the property was zoned or designated as a residential lot;
3. the lot severed, for the non-farm use, shall neither create nor add additional dwelling units; and
4. the remnant parcel of farmland created by the severance is rezoned to prohibit the future construction of a new dwelling

d. A consent to create a lot of less than 40 hectares may be granted conditional on one of the parcels being added to an abutting property and the existing dwelling unit remains with the remaining parcel so that no new building lots have been created.

e. Consents for farm parcels smaller than 40 hectares can be considered in special circumstances if the consent is considered appropriate by OMAFRA or as a result of a peer review, and may be subject to the provision and review of business plans. Generally, the lot remaining shall either be:

- i. of viable farm parcel size; or
- ii. consistent with the policy for the surplus farm dwellings, and be generally less than 0.6 hectare in size unless suitable justification can be provided for a larger lot.

- ii) County of Bruce Official Plan, 1999, consolidated September 2017

## **5.5 Agriculture Areas**

### **5.5.6 Farm Size**

.1 It is the intention of County Council to encourage the retention of large farming areas within the County. These areas will be largely unencumbered from non-agricultural uses by restricting the establishment of non-agricultural uses. A minimum farm size of generally 40 hectares (100 acres) has therefore been established for new or remnant farm parcels, subject to the consent policies of Section 6.5.3 [Land Division Policies], and except as provided elsewhere in this Plan.

.2 Smaller, specialized, farm parcel sizes will only be permitted if the owner can demonstrate that:

- i) The size of both the parcel to be severed as well as the parcel to be retained is appropriate for the type of agriculture proposed for each parcel;
- ii) The size of both the parcel to be severed as well as the parcel to be retained is appropriate for the type of agriculture for the area where the parcels are located and the size of both parcels are common for the area; and
- iii) The size of both proposed parcels permit them to be used for other types of agriculture in the future.

### **5.5.7 Consent Policies**

Development by consent for the creation of new lots may be permitted in accordance with Section 6.5.3 [Land Division Policies] of this Plan.

## **6.5 Development Applications**

### **6.5.3.3 Consents- Agricultural Areas**

.1 In no instance shall an original Crown surveyed lot be divided into more than two (2) parcels including the retained portion. For the purposes of this section, any original Crown surveyed lot severed for the purposes of a school or church prior to 1995, road widening or similar public purpose, or minor lot line adjustments shall be deemed to be an original Crown surveyed lot.

.2 In order to promote and maintain viable farming operations and generally minimize potential impacts on the farming community, the minimum lot area of lands within the Agricultural designation shall be generally 40 hectares.

.3 The severance of one Non-Farm lot within the Agricultural designation shall be considered under the following circumstances:

b) Where the lot will be for an existing residence and buildings surplus to a farming operation as a result of farm consolidation provided:

- i) The owner of the lands to be severed is a 'bona fide farmer'. For the purposes of this policy, the 'bona fide farmer' must: a) own and farm the lands on which the surplus dwelling is proposed to be severed from; b) own and farm other lands; and c) own a residence elsewhere, or reside as a tenant elsewhere, therefore rendering the residence on the subject farm surplus to their needs. In situations where the agricultural portion of the subject lands is rented in whole or in part to others, the owner of the subject lands shall not qualify as a 'bona fide farmer'. A 'bona fide farmer' shall be defined as to include a limited company, sole

proprietorship, incorporated company, numbered company, partnership, non-profit and other similar ownership forms.

ii) The lot proposed for the residence and buildings surplus to the farming operation shall be limited in area and shall only be of sufficient size to accommodate the residence surplus to the farming operation, accessory buildings (where including accessory buildings does not render the lot excessively large in the opinion of the Land Division Committee), a well and a sewage disposal system, while ensuring that as little land as possible is removed from the agricultural lands.

iii) The remnant agricultural lands shall be rezoned to prohibit the future erection of a residential dwelling of any type on the agricultural lands provided that a residential dwelling does not exist at the time of severance.

iv) This Official Plan requires the severance of a dwelling/residence surplus to a farming operation to comply with MDS I. All livestock facilities within the vicinity of the proposed severance, including any livestock facility situated on the farm parcel from which the surplus farm residence is being severed, shall be used in determining MDS I compliance.

v) Given that no new dwelling/residence can be erected as a result of the residence surplus to a farm operation being severed from the farm holding, the severance shall not need to meet the Mineral Resource Area, Aggregate/Quarry Operation or sanitary landfill site setback requirements.

vi) The existing surplus dwelling/residence is habitable at the time of application.

### 3.10 Agricultural Area Policies

3.10.2.18.1 Consent applications shall be evaluated based on the following principles:

- a) In prime agricultural areas as described by the Provincial Policy Statement, the long-term interests of agriculture—both the preservation of farmland and the enhancement of farming operations—should dominate.
- b) Consent approvals should act to reduce constraints on the expansion capability of existing livestock operations, and in no case should they exacerbate these constraints.
- c) Approvals for agricultural consent applications should:
  - i) facilitate financial and estate planning;
  - ii) facilitate farm consolidations;
  - iii) conform with the Provincial Policy Statement;
  - iv) avoid or minimize the loss of farmland;
- d) Approvals for consent policies should not:
  - i) result in farm parcels that are difficult or inefficient to farm;
  - ii) result in land use incompatibility.

3.10.2.18.2 A consent to sever may be granted:

- a) to divide a lot for agricultural uses subject to the following conditions:
  - i) the minimum area of both the retained and severed lots shall be 50 acres (20 hectares).  
Smaller sizes will be considered where:
    - it can be demonstrated that the subject parcel can be a viable economic enterprise;
    - the size of the parcel to be severed and the parcel to be retained is appropriate for the type of agricultural purposes for each parcel;
    - the size of the parcel to be severed and the parcel to be retained is appropriate for the type of agriculture for the area in which the parcels are located;
    - the size of the parcel to be severed and the parcel to be retained is common for the area in which the parcels are located;
    - the size of the parcel to be severed and the parcel to be retained is sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations.
  - ii) The proposed consent shall comply with the Provincial Minimum Distance Separation (MDS) Formulae Implementation Guidelines.
- b) where a previous or current farm consolidation has rendered a habitable farm dwelling surplus to the needs of a farm operation, subject to the following conditions:
  - i) By virtue of the consent, a residential dwelling will be prohibited on the remaining farm parcel through existing provisions of the Zoning By-law, and a single detached dwelling on an undersized agricultural lot will be recognized through existing provisions of the Zoning By-law.
  - ii) The proposed consent shall comply with the Provincial Minimum Distance Separation (MDS) Formulae Implementation Guidelines.
- c) for agricultural-related uses, which means those farm-related commercial and farm-related industrial uses that are small scale, directly related to the farm operation and required to be in close proximity to the farm operation.
- d) for the enlargement of an existing lot, subject to the following conditions:

- i) the viability of the retained lot as a farm parcel is not threatened;
- ii) a need must be demonstrated in which the proposed enlargement is for a non-farm use;
- iii) the proposed severance must merge with the lot being enlarged in accordance with Sections 50(3) and (5) of the Planning Act.

e) for minor boundary adjustments or corrections and easements, and in accordance with Sections 50(3) and (5) of the Planning Act.

3.10.2.18.3 A consent may be granted for only those purposes set out in Section 3.10.2.18.2.

3.10.2.18.4 The size of the new or expanded lots reviewed under Subsection 3.10.2.18.2 b), c), d) or e), will be as small as is practical in order to preserve the Municipality's agricultural land base, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services, and shall comply with the requirements of the Zoning By-law. A consent application to create a new or expanded lot for non-farm rural residential uses will generally not exceed 0.8 hectare in area.

#### **4.2.5 Agricultural Area Lot Creation and Adjustment**

It is recognized that within the County, there are a variety of agricultural land circumstances that influence official plan policies related to minimum agricultural lot sizes at the local level. As such, the County encourages local municipalities to establish minimum agricultural lot sizes within their official plans which seek to minimize the fragmentation of agricultural areas while accommodating a broad range of agricultural and farming operations.

The following policies will apply with respect to lot creation in the Agricultural Areas:

a) Lot creation in the Agricultural Area will generally be discouraged and only permitted in accordance with provincial policy and the policies of the local municipal official plan. The minimum lot area of both the retained and severed lots will be established in the local municipal official plans in accordance with the lot creation policies for the uses set out below.

b) For agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large enough to maintain flexibility for future changes in the type or size of agricultural operations. For prime agricultural areas within the Greenbelt Plan Protected Countryside, the minimum lot size will be 40 hectares (100 acres).

c) Where a previous or current farm acquisition has rendered a residence surplus to a farming operation, a consent may be permitted subject to the following conditions:

- i. the retained farm parcel will be zoned so as to prohibit the construction of any additional dwellings;
- ii. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
- iii. the surplus dwelling parcel will be subject to Minimum Distance Separation I setback provisions, and be zoned to recognize the non-farm residential use, as required.

d) For agriculture-related uses, the lot created will be limited to a minimum size need to accommodate the use and appropriate sewage and water services.

e) Lot adjustments in the Agricultural Area may be permitted for legal or technical reasons. Lot line adjustments will be interpreted to prohibit the creation of new residential or non-farm parcels.

f) For the creation of a lot to permit new infrastructure uses where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

g) The creation of new residential lots in the prime agricultural area shall not be permitted except in accordance with policy 4.2.5 (c).

## **Sub-section 9A Prime Agricultural Policies**

### **SEVERANCES**

9A.2.8 The creation of parcels of land for *agricultural uses* of less than 40 hectares shall not be permitted. In the Oak Ridges Moraine, severances of 40 hectare parcels or greater may be permitted only if the subject properties have previously merged in title and the severance follows the original lot lines or original half lot lines, the retained portion is at least 40 hectares, and the requirements of the Oak Ridges Moraine Conservation Plan are fulfilled.

9A.2.9 Regional Council shall encourage the consolidation of farms, wherever possible. Severance of a habitable farm dwelling rendered surplus as a result of consolidation of abutting farms may be granted, provided that:

- a) the farms are merged into a single parcel;
- b) the dwelling is not needed for a farm employee;
- c) within the Protected Countryside of the Greenbelt Plan Area, the dwelling was in existence as of December 16, 2004; and
- d) the retained farm parcel is zoned to prohibit any further severances and the establishment of any residential dwelling.

No further severances from the retained farm parcel shall be granted.

9A.2.10 Notwithstanding Policy 9A.2.9, the severance of a farm dwelling rendered surplus as a result of a farmer acquiring a non-abutting farm may be allowed, by amendment to this Plan, provided that:

- a) the dwelling is not needed for a farm employee;
- b) the farm parcel to be acquired is of a size which is viable for farming operations;
- c) within the Protected Countryside of the Greenbelt Plan Area, the dwelling was in existence as of December 16, 2004; and
- d) the farm parcel to be acquired is zoned to prohibit any further severances and the establishment of any residential dwelling.

No further severances shall be permitted from the acquired farm parcel.

9A.2.11 The severance of land for farm retirement or intra-family purposes shall not be granted.

### 3.3 Agricultural

#### 3.3.3.4 Lot Creation

The County shall undertake an Agricultural Lot Size Study to determine the minimum parcel size for all types of agricultural lots, including, but not limited to, new lots for *agricultural uses*, *specialty crop areas*, and *agriculture-related uses*. Until such time as this Study is approved by County Council and implemented by amendment to this Plan, existing agricultural lot creation policies at the local level shall remain in effect.

However, lot creation in the “Agricultural” designation is discouraged and will only be permitted in accordance with Provincial Policy, local Official Plan policies and the following:

- a) Lot creation to accommodate an *agricultural use* shall only be considered where the lots proposed are of a size appropriate for the type of *agricultural uses* common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations. These agricultural lots shall also comply with the *Minimum Distance Separation Formulae*.
  - b) Lot creation to accommodate an *agriculture-related use* shall only be considered where the use is compatible with surrounding agricultural operations and the new lot is limited to a minimum size needed to accommodate the use and appropriate sewage and water services. These agriculture-related lots shall also comply with the *Minimum Distance Separation Formulae*.
  - c) Lot creation to accommodate a habitable *residence surplus to a farming operation* as a result of farm consolidation is permitted subject to the local Zoning By-law being amended, to prohibit new residential dwellings on the vacant remnant parcel of farmland created by the severance. In order to maintain County-wide consistency in the implementation of this policy, farm consolidation will be interpreted to permit both contiguous and non-contiguous farm parcel consolidations. *Local municipalities* may establish a minimum lot size for the remnant farm parcel in accordance with this Policy.
  - d) Lot creation to permit new *infrastructure* uses is permitted where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.
  - e) Lot adjustments for legal or technical reasons, such as for easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot are also permitted.
  - e) In order to maintain County-wide consistency in the implementation of this policy, lot line adjustments will be interpreted to prohibit the creation of new residential or non-farm parcels.
-

vii) The Hastings County Official Plan, approved and modified August 3, 2018

## **4.7 Agricultural Land Use Designation**

4.7.3.4 Consents may be permitted for the following purposes in accordance with other policies of this Plan:

- a) To create farm holdings that are generally not less than 40 hectares (100 acres) in area;
- b) Agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
- c) A residence surplus to a farming operation as a result of farm consolidation provided that:
  - i) The new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
  - ii) The Member Municipality ensures that new residential dwellings are prohibited in the comprehensive zoning by-law on any vacant remnant parcel of farmland created by the severance. The intention of this Plan is that any future applications to rezone the vacant remnant parcel to permit a dwelling are refused;
  - iii) The farm consolidation may occur between adjacent parcels or where a farmer owns and farms other lands that are not adjacent to the newly acquired land.
- d) Infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way; and,
- e) Lot adjustments for legal or technical reasons such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

## **2. Agriculture**

### **2.3 Community Policies and Actions**

The community has established the following:

7) Lot creation in prime agricultural areas is discouraged and will only be permitted for: agricultural uses; agriculture-related uses provided that the area of the new lot is kept to the minimum size needed to support the use and appropriate servicing; a residence surplus to a farming operation; minor lot adjustments; and, infrastructure or public service utilities which cannot be accommodated through easements or rights-of-ways; subject to the policies of local Plans. (Amended by OPA 4 - formerly Minister's Modification 7)

The creation of any lot for agricultural purposes must be of a size appropriate for the type of agricultural uses common in the area and sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations. Lot sizes in agricultural areas will be set out in local Plans.

8) Local municipalities may choose to develop policies which permit the severance of existing residences surplus to a farming operation as a result of the acquisition of an additional farm property.

Local Official Plans shall meet or exceed the following criteria:

- a) The residence must be a minimum of 15 years old or has immediately replaced one of a series of habitable residences which were built a minimum of 15 years ago or replaces a house accidentally destroyed by fire or natural disaster.
- b) The residence is habitable, as determined by the Chief Building Official, and is intended to be used as a primary residence.
- c) A new residence is prohibited (through zoning) on any remnant parcel of farmland created by a surplus residence severance.
- d) The area of farmland attached to the surplus house is kept to a minimum size needed for residential purposes, taking into consideration water and sewage services and environmental and topographic features.
- e) Minimum Distance Separation (MDS) formula requirements are met to the surplus house if barn(s) exist on the retained farmlands. MDS does not apply to existing barns on separately titled lots. (Amended by OPA 4)
- f) There has been no previous separation of land for residential purposes from the farm property as it existed on June 28, 1973, other than in a settlement area.
- g) The retained lands are a minimum of 19 hectares unless merged with an abutting farm.
- h) Where the residence is within 300 metres of an existing aggregate operation or aggregate deposit, an assessment of potential impacts may be required (See Section 5.3.10).
- i) For the purposes of this section  
- a corporation may be an eligible farming operation provided the same corporation owns at least two farms, each containing a residence, one of which may be severed in accordance with this section; and

- an unincorporated group of one or more person(s) may be an eligible farming operation provided a majority of the owners, together or individually each own another farm containing a residence, one of which may be severed in accordance with this section; where owners normally reside in the same household, they may be considered as one individual within the group of owners

### **3.3 Agriculture Areas**

#### **3.3.2 General Policies**

It is the policy of County Council that the Agricultural Area in Middlesex County shall be preserved and strengthened with the goal of sustaining the agricultural industry that is so vital to the Middlesex economy.

In the Agricultural Areas, farm parcels shall remain sufficiently large to ensure flexibility and the economic viability of the farm operation. The creation of parcels of land for agriculture of less than 40 hectares shall generally not be permitted.

Notwithstanding the policies of this Plan that permit consents in the Agricultural Area on a limited basis, in no instance shall an original township lot be divided into more than two parcels of land. For the purposes of this section, any township lot that has been severed for the purposes of a school site or church site prior to 1995, a road widening or minor lot line adjustments shall be deemed to be an original township lot.

Existing separate and distinct parcels of land of insufficient size to be a viable farm unit will be encouraged to consolidate with abutting farm units. Development of these lots must conform to the Minimum Distance Separation Formula.

### **4.5 Development Applications**

#### **4.5.3.4 Agriculture Area**

These policies apply to lands designated Agricultural Areas on Schedule A. Where a property is designated Agricultural Areas but is within a designated hamlet in a local Official Plan, the policies of Section 4.5.3.3 apply.

Non-farm related uses in the Agricultural Areas can potentially impair the effectiveness of agricultural operations. In addition, there can be a greater possibility of negative environmental impacts from scattered residential, commercial and industrial development.

In order to protect the Agricultural Area for agricultural uses, the following policies shall apply:

- a) 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 provided that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance;
- b) consents involving minor boundary adjustments shall be considered provided that non-viable farm parcels are not created and agricultural activities are not adversely affected;
- c) consents for new farm lots shall generally not be considered where the result is the creation of a farm lot less than a typical township lot of about 40 hectares. Consents for the creation of new farm lots shall be considered where both the size of the lands being severed and the lands being retained are appropriate to:
  1. the type of agriculture being engaged in or proposed to be engaged in; and
  2. the type of agricultural activity and farm lot size common in the area.

In general, farm lot size shall be sufficiently large to create large contiguous farming blocks and to maintain flexibility to adapt to future changes in agriculture and to avoid the unwarranted fragmentation of farmland. A minimum farm lot size shall be established in the Zoning By-laws of the local municipalities;

- d) consents for agriculture-related commercial and industrial uses shall be considered when the commercial or industrial use, due to its nature, must be located in close proximity to the agricultural operations which it serves;
- e) consents will not be considered on land located within 300 metres of an active sand, gravel or quarry operation or open pit mining operation;
- f) the creation of a lot for farm retirement purposes shall not be permitted; and
- g) Consents for residential infilling purposes shall not be permitted.

## 5 Rural and Agriculture

### 5 B Policies for Agriculture

**Policy 5.B.8** In the Unique *Agricultural Areas*, consents to convey may be permitted only in accordance with the following provisions. Within the Niagara Escarpment Plan Area, the policies of the Niagara Escarpment Plan as amended from time to time shall prevail unless the following policies are more restrictive, then the more restrictive policies shall prevail. Policies for lot creation in local Official Plans can be more restrictive than the following policies and still conform to this Plan.

a) The consent to convey is for an *agricultural use* where the severed and retained lots are intended for *agricultural uses* and provided the minimum lot size is 40-acres (16.2 hectares).

b) The consent is for a *residence surplus to a farming operation* as a result of a farm consolidation, which residence was an existing use as of December 16, 2004, provided that a residential dwelling is not permitted in perpetuity on the retained lot of farmland created by this severance. As a condition of severance, the applicant must have the remnant parcel rezoned to preclude its use for residential purposes.

c) The consent requested is for minor boundary adjustments or easements, complies with other policies in this Plan and does not create a separate lot for a residential dwelling and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature

**Policy 5.B.8.1** In Good General *Agricultural Areas* consents to convey may be permitted only in those circumstances set out in the following provisions. Policies for lot creation in local Official Plans can be more restrictive and still conform to this Plan.

a) The consent to convey is required for existing *agriculturally related uses* provided the parcel size is limited to the minimum size needed to accommodate the use.

b) The consent is for a farm operation supported through a farm business plan and provided that the resulting parcels are both for *agricultural use* and the size of the resulting farm parcels:

- i) is appropriate for the farming activities proposed,
- ii) is suited to the particular location and common in the area, and
- iii) provides some flexibility for changes in the agricultural operation.

The foregoing includes small lot severances for greenhouses and other intensive forms of agriculture 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 intensive *agricultural uses* such as greenhouse operations be of a sufficient size so that these uses have ample room for future expansion.

c) The consent to convey is for a *residence surplus to a farming operation* as a result of a farm consolidation provided new residential dwellings are prohibited in perpetuity on any vacant remnant parcel of land created by the severance. As a condition of severance the applicant must have the remnant farm parcel rezoned to preclude its use for residential purposes.

d) The consent is for a lot adjustment for legal or technical reasons such as easements, corrections to deeds, quit claims and minor boundary adjustments which do not result in the creation of a new lot.

**Policy 5.B.9** Proposed residential lots being considered for a consent under the criteria in Policies 5.B.8.and 5.B.8.1 must also meet the following conditions.

a) Any new lot is of sufficient size and has suitable soil and site conditions for the installation and long-term operation of a private sewage disposal system in compliance with the requirements of the Ministry of the Environment, Ministry of Municipal Affairs and Housing or persons appointed on behalf.

b) Any new lot has an adequate ground or other water supply, in compliance with the requirements of the Ministry of the Environment and the Medical Officer of Health.

c) Any new lot has sufficient frontage on an existing publicly-maintained road.

d) Where possible, joint use should be made of the existing road access to the farm operation.

e) Road access to any new lot does not create a traffic hazard because of limited sight lines on curves or grades or proximity to intersections.

f) The size of any new lot shall not exceed an area of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary to support a well and private sewage disposal system as determined by the Ministry of the Environment, Ministry of municipal Affairs and Housing, or persons appointed on behalf.

g) The proposed lot should be located to minimize the impact on the remaining farm operation.

xi) Northumberland County Official Plan, approved November 23, 2016

### **C3 Agricultural Area**

#### **C3.4 LOT CREATION ON LANDS IN THE AGRICULTURAL AREA DESIGNATION**

New lots may be permitted in the Agricultural Area designation if the local Official Plan supports their creation and if: The lot is to be severed to create a new farm lot and both the retained and severed parcels each have a lot area of about 40 hectares and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations; or,

The lot is to be created to accommodate an *existing habitable farm residence* that has become surplus to a farming operation as a result of the acquisition of additional farm parcels to be operated as one farm operation (a farm consolidation) provided the new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*; and the approval authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance; or,

The lot is required for an *agricultural-related use*, provided the new lot is limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*.

Lot adjustments may also be granted for *legal or technical reasons*, such as for easements, correction of deeds, quit claims and minor boundary adjustments that do not result in the creation of a new lot and do not otherwise conflict with the intent of this Plan and the local Official Plan.

*\*the County of Oxford has a unique points system and lengthy policy pertaining to this. For the purposes of this report only some of the policy has been captured. The reader is encouraged to reference the Official Plan for more detail*

### **3.1 Agricultural Land Resource**

#### **3.1.4.3 Existing Under-Sized Agricultural Parcels**

To ensure that the primary function of existing undersized agricultural land parcels is for agricultural purposes.

To permit accessory residential uses only where the principal agricultural function of the undersized parcel is not compromised.

To ensure that regulated agricultural operations on small lots are not harmful to the environment.

It is recognized that there are numerous small agricultural land holdings in the agricultural designations. It is the intent of this Plan that such parcels will primarily be utilized for agricultural pursuits and as such do not constitute sites for non-agriculturally related development.

Area Councils shall establish minimum farm parcel sizes in the Zoning By-Law. An undersized farm parcel is smaller than the established zoning standard and will require an amendment to the Zoning By-Law of the Area Municipality prior to the development of farm buildings, structures or accessory residential uses.

To assist in the implementation of this Section, existing parcels within the Agricultural Reserve designation that are greater than 1 ha (2.47 acres) in area, but not more than 16 ha (39.5 acres) and that are occupied by an existing dwelling shall generally be zoned in an appropriate restrictive agricultural zoning category in the Area Zoning By-law.

Existing undersized agricultural parcels may be used for a primary use permitted in Section 3.1.4.1, including the development of farm buildings or structures or accessory residential uses, except that larger, more intensive livestock farms shall not generally be permitted on an undersized agricultural parcel. The zoning provisions of the area municipal zoning by-law shall implement this limitation.

##### **3.1.4.3.1 Development Criteria for Existing Undersized Agricultural Parcels**

Prior to the development of an existing undersized agricultural parcel for agricultural use, the following criteria shall be satisfied:

A new farming operation shall only be established on an undersized agricultural parcel where it has been demonstrated that the proposed farm will be economically viable within a period of 5 years.

The applicant shall provide information necessary to evaluate the viability of a new farming operation on an undersized parcel. Information pertaining to the scale and nature of the operation, projected revenues, expenses, financing and any other criteria deemed to be relevant to the proposal shall be provided to the satisfaction of the County of Oxford, at the expense of the applicant.

Proposals will be evaluated by the Ministry of Agriculture, Food and Rural Affairs or other professional knowledgeable in farm economics and management, at the expense of the proponent. The purpose of the third party review is to provide the County and/or Area Municipality with an objective opinion regarding the information and analysis pertaining to viability in accordance with the Ministry's interpretation of a viable operation.

The storage and disposal of manure shall be in accordance with the requirements as set out in the Nutrient Management Act, 2002, and/or the appropriate By-laws of the Area Municipalities.

Proposals to create new livestock and poultry farms must satisfy Minimum Distance Separation Formula II.

Proposals to develop existing under-sized agricultural parcels shall comply with the policies of Section 3.2, Environmental Resource Policies.

Private water and on-site sewage facilities for the agricultural use will be established in accordance with the requirements of the County and the Board of Health and the policies contained in Section 3.2, Environmental Resource Policies, relating to water quality and quantity, as appropriate.

Where a proposal to develop an undersized agricultural parcel satisfies the development criteria of this Section and conforms with all other relevant policies of the Official Plan, the construction of an accessory residential building may be permitted in accordance with the following:

Where the development of farm outbuildings is proposed, the proponent enter into an agreement with the municipality, prior to the development approval, requiring that the construction of the proposed farm buildings be complete prior to the construction of any residential building. Alternatively, the municipality shall include a provision in the implementing zoning by-law requiring that the construction of the

proposed farm buildings be complete prior to the construction of a residential building.

Where no farm outbuildings are proposed, the implementing zoning by-law shall include an “H” holding provision prohibiting the construction of a residential building until the proponent has demonstrated, to the satisfaction of the Area Municipality, that the first two years of the approved farm plan has been implemented. Upon meeting this requirement, the “H” symbol will be removed by the Area Municipality.

Any accessory residential dwelling will be situated in close proximity to any farm buildings, and will utilize the same driveway, and will satisfy the Minimum Distance Separation Formula I requirements.

Any accessory residential dwelling will be located on a property that has frontage on a public road maintained year round at a reasonable standard of construction.

Where a non-agricultural land use is proposed on an existing undersized agricultural land parcel, such use will comply with Section 3.1.5.

#### **3.1.4.4 Severances for Farming Purposes**

To provide for parcel sizes appropriate to the type of agricultural uses common to the area and to ensure flexibility for farm operators to engage in differing types of viable agricultural operations.

To ensure that where farm parcels are created, they are capable of sustaining viable agricultural operations.

To minimize farmland fragmentation and minimize the creation of irregularly shaped agricultural parcels.

To ensure that Minimum Distance Separation Formula II is satisfied.

To incorporate Provincial criteria for evaluating agricultural consents into the decision process.

##### **3.1.4.4.1 Farm Consolidation**

The following criteria will be used to determine the acceptability of proposals to sever agricultural land for farm consolidation purposes, where the land being conveyed is to be legally consolidated with an abutting existing farm property, to form one parcel under identical ownership:

Farming must be the intended use of the land being conveyed and/or the land being retained;

Flexibility shall be achieved, such that farm parcels remain sufficiently large to permit a change in the commodity produced, scale of operation, diversification or intensification;

Suitability of farm parcel size and configuration to the type of agriculture in the area as well as the farm parcel size typically associated with the type of agriculture proposed;

Severances affecting predominately Class I to III agricultural capability soils should not result in further land fragmentation;

Consents for farm consolidation purposes must satisfy Minimum Distance Separation Formula II;  
The Ministry of Agriculture, Food and Rural Affairs may be consulted to evaluate the compliance with these farm severance criteria.

Woodlands are to be maintained as part of a farm parcel and should not be severed unless the woodland is to be acquired for preservation or conservation purposes through conveyance to or purchase by the County of Oxford and/or other public authorities.

The applicant shall generally be required to submit a farm plan to assist with the evaluation of the severance application and to demonstrate farm viability, where any of the farm lots resulting from the consolidation proposal are less than 30 hectares (75 acres). Such farm plans shall be prepared and evaluated in accordance with the policies of Section 3.1.4.3.1.

Proposals to consolidate farm parcels may have an impact on environmental quality or may be subject to environmental constraints and shall comply with the policies in Section 3.2, Environmental Resource Policies.

Proposals to consolidate farm parcels shall satisfy the 'General Agricultural Zone' provisions of the Area Municipal Zoning By-law. Restrictions prohibiting the development of a new residential dwelling on either the severed or retained parcels shall not be applied in zoning, provided that the newly consolidated parcel and the retained parcel conform to the provisions of the zoning by-law of the Area Municipality.

#### **3.1.4.4.2 Creation of Farm Parcels**

The following criteria will be used to determine the acceptability of proposals to sever agricultural land for the creation of new farm parcels:

Farming or conservation must be the intended use of the land being conveyed and the land being retained;

Consents for the creation of new farm parcels must satisfy Minimum Distance Separation Formula II ;

Flexibility shall be maintained, such that farm parcels remain sufficiently large to permit a change in the commodity produced, scale of operation, diversification or intensification;

Suitability of farm parcel size and configuration to the type of agriculture in the area as well as the farm parcel size typically associated with the type of agriculture proposed.

Severances affecting predominately Class I to III agricultural capability soils should not result in further land fragmentation;

The Ministry of Agriculture, Food and Rural Affairs may be consulted to evaluate the compliance with these farm severance criteria.

The applicant shall generally be required to submit a farm plan to assist with the evaluation of the severance application and to demonstrate farm viability, where either the lot to be severed or the lot to be retained is less than 30 hectares (75 acres). Such farm plans shall be prepared and evaluated in accordance with the policies of Section 3.1.4.3.1.

In considering the proposed consent, regard shall be had for the following site specific criteria:

the amount of workable land in comparison to total parcel size;

the size and configuration of the proposed parcels for tillage or livestock purposes;

the presence of farm buildings or structures to support the proposed use;

the farm parcel shall have frontage on a public road maintained year round at a reasonable standard of construction.

Proposals to establish a new farm parcel may be required to demonstrate that nearby parcels of a similar size are unavailable;

Woodlands are to be maintained as part of a farm parcel and should not be severed unless the woodland is to be acquired for preservation or conservation purposes through conveyance to or purchase by the County of Oxford and/or other public authorities.

Proposals to create new farm parcels which may have an impact on environmental quality or may be subject to environmental constraints

shall comply with the policies in Section 3.2, Environmental Resource Policies.

At a minimum, the parcel to be severed and the parcel to be retained shall satisfy the General Agricultural zone provisions of the Area Municipal Zoning by-law.

#### **3.1.4.5.2 Surplus Farm Residences**

On-farm dwellings are to be considered as part of the farm unit and consent to sever any surplus farm dwellings will not be permitted by the Oxford County Land Division Committee, unless the proposal involves a farm consolidation in accordance with the policies of Section 3.1.4.4.1 and complies with the policies of Section 3.1.5.4.2.

EXCEPTION Notwithstanding the above policy, a surplus second or additional farm dwelling may be severed from the farm where such dwelling is located within a designated settlement as shown on Schedule C-3, Settlement Strategy Plan, and satisfies the policies for residential development in the settlement area.

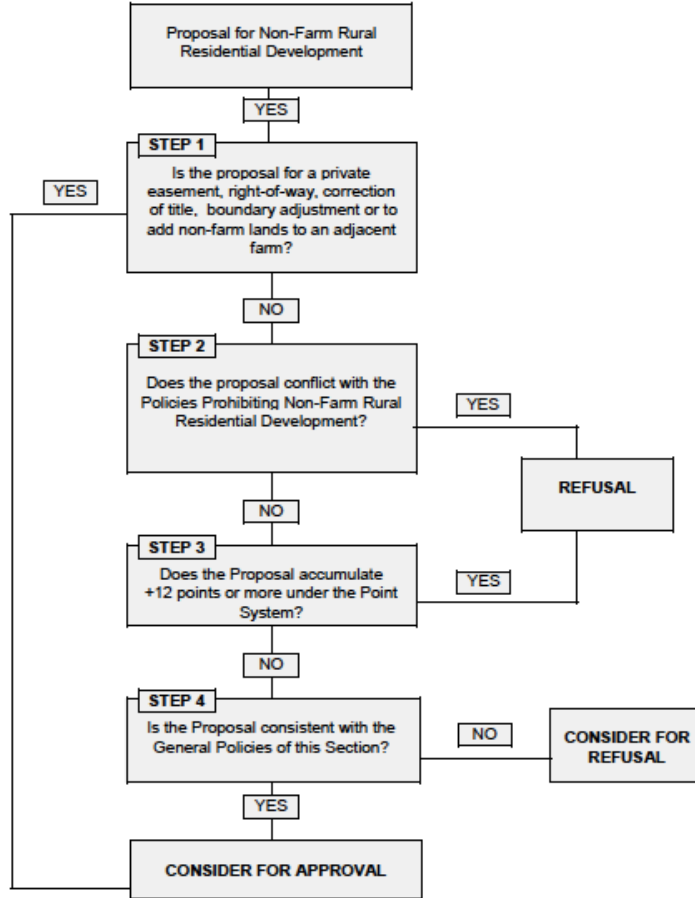
#### **3.1.5.4.2 Process for Evaluating Non-Farm Rural Residential Development**

The decision-making framework in Figure 2 consists of four steps and has been adopted to evaluate non-farm rural residential development proposals in the following land use designations: Agricultural Reserve, Environmental Protection Area, Open Space, Future Urban Growth and Quarry Area. The decision-making framework also applies to nonfarm rural residential proposals affecting lands identified as Quarry Resource Area, Sand and Gravel Resource Area, Oil and Gas Resource Area, Gypsum Resource Area, and Well Head Protection Areas.

Figure 2 is intended to form part of the Official Plan for the County of Oxford and should be interpreted as part of the text of this section. 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.

## County of Oxford Official Plan

FIGURE 2: DECISION-MAKING FRAMEWORK FOR NON-FARM RURAL RESIDENTIAL DEVELOPMENT



### 3.1.5.4.5.1 Point System Site Assessment Factors

#### County of Oxford Official Plan

FIGURE 3: POINT SYSTEM SUMMARY

FACTOR	POINTS
<p>A) <u>Land Capability for Agriculture</u></p> <p>A proposal shall be assigned the following points related to land use capability for agriculture as defined by the Canada Land Inventory.</p> <p style="text-align: right;">Class 1 +10 2 +10 3 +10 4 + 6 5 + 4 6 + 2 0 + 5</p>	
<p>B) <u>Surrounding Agricultural Land Use</u></p> <p>A proposal which is within 300 metres (984 feet) of an agricultural use. + 10</p> <p>In addition, a proposal for severance of a surplus farm dwelling which does not satisfy the requirements of MDS I from a livestock and/or manure storage facility located on the retained lands resulting from the severance: + 5</p>	
<p>C) <u>Surrounding Extractive Resource Land Use</u></p> <p>A proposal which is within 500 metres (1,640 feet) of one or more of the following situations: + 5</p> <ul style="list-style-type: none"> <li>• a designated Quarry Area</li> <li>• an identified Limestone Resource</li> <li>• an identified licensed sand and gravel pit</li> <li>• an identified Sand and Gravel Resource Area</li> </ul> <p>or within 75 metres (246 feet) of an active Oil or Gas production well or compressor facility</p>	
<p>D) <u>Access to Major Roads</u></p> <p>Proposals on land with vehicle access to any County road or Provincial highway. + 2</p>	
<p>E) <u>Traffic Safety</u></p> <p>The intent of this factor is to prevent traffic hazards by discouraging access onto roads where there is limited visibility. +2</p>	
<p>F) <u>Surplus Farm Dwelling</u></p> <p>Where abutting farms are proposed to be legally consolidated into one parcel under identical ownership, a proposal to retain a habitable dwelling existing at the date of adoption of this Official Plan: -2</p>	
<p>G) <u>Heritage</u></p> <p>The proposal involves the severance or rezoning of buildings or structures that are designated pursuant to the Ontario Heritage Act. -2</p>	

Figure amended by Amendment No. 27

### 3.1.5.4.6 Step 4: General Policies

.....

New or expanded non-farm rural residential lots will be as small as is practical in order to preserve the County's agricultural land base. Severance proposals to create new or expanded lots for non-farm rural residential development will generally not exceed .8 hectares (two acres). Proposals seeking to sever parcels larger than this limit will only be permitted where it can be demonstrated that the additional area is required to accommodate a private water supply or on-site sewage facilities, where the topography of the area has limitations for agriculture or where the proposed lots are physically isolated by natural features such as streams.

## **5 Agriculture**

### **5.5.2 Farm Parcel Size**

*ADDED BY OPA No. 47-* It is a policy of this Plan that farm parcel size be large enough to facilitate flexible and efficient farm operations over the long term. The size of individual farm operations should be large enough to permit the carrying out of a wide range of agricultural activities. The splitting up of original farm units (e.g. 40.5 hectare/100 acre units) into smaller farm parcels will be discouraged.

### **5.5.15 Existing Lots Of Record**

It is recognized that there are several existing lots of record in the "Agriculture" designation which are both vacant and smaller than the minimum lot area requirements for farm use as set out in the local municipalities implementing Zoning By-law. It is the general intent of this Plan that such lots be developed and used for farming uses or other uses permitted in the "Agriculture" designation by this Plan; however, it is also recognized that this may not always be possible and/or practical. Where farming uses or other permitted uses are not possible and/or practical, the vacant existing lot of record may be used for a single-detached dwelling through a site specific Zoning By-law Amendment for the purpose of permitting such use. When considering site specific Zoning By-law Amendments for this purpose, the following criteria apply: .....

#### **5.6.2.1 New Lot Creation**

Applications for consent to create new farm lots may be granted provided that all lots involved (e.g. severed and retained lot) satisfy the following criteria:

- (a) Farming must be the existing and/or intended use. The size of each lot involved should be appropriate for the type of farming use proposed and the type of farming use proposed must be suitable given the agricultural characteristics of the general area within which the subject land is situated and the availability of such related facilities as may be necessary to support the proposed farming use;
- (b) The size of each lot involved must be large enough to provide the current/future farm operators with the flexibility of expanding, diversifying, or intensifying the farm operation, or of changing the type of commodities produced in order to meet changing economic conditions and trends in agriculture. When assessing farm size, consideration shall be given to matters such as the type of farm use proposed; the amount of productive land; topography; drainage characteristics; amount of woodlot; extent of bottom lands, organic soils, wetlands, and other unimproved lands; the size and configuration of the proposed lots for tillage for livestock purposes; the presence of or necessity for farm buildings or structures to support the farming use; and the location of neighbouring uses, buildings, and structures;
- (c) As a general rule, the splitting of original farm units (i.e. 40.5 hectare/100 acre) into smaller farm parcels is to be discouraged. The minimum lot area lot frontage requirement for farm use as set out in the local municipality's implementing Zoning By-law must be met;
- (d) Each lot involved in the application must meet the minimum distance separation provisions of MDS I and MDS II;
- (e) It may be necessary for the consent granting authority to impose appropriate conditions to ensure the appropriateness of the agricultural component of an application. Such conditions may include, but are not limited to, the following:
  - (i) Where a new farming use is proposed and the construction of buildings or structures are necessary to carry out the use, approval may be subject to substantial completion of such buildings or structures prior to the deed stamping stage of consent approval. In addition, it may be a requirement that required

farm buildings and structures be completed or substantially completed prior to construction of any farm residence;

(ii) Approval may be conditional upon the prohibition/restriction of residential buildings on the subject lands through a site specific Zoning By-law Amendment and an agreement registered on title; and

(iii) Where livestock and/or poultry operations are involved, approval may be conditional upon a suitable nutrient management plan.

When addressing the issues of farming use suitability, flexibility, and viability, the local municipal Council, County Council, and/or the consent granting authority may consult with the Ministry of Agriculture, Food and Rural Affairs.

In assessing and applying the above-noted criteria, the fact that an application meets the minimum lot size and lot frontage requirements for a farm use in the applicable Zoning By-law does not mean that the suitability of the farming use type, and flexibility criteria have been met. Each of the criteria above must be satisfied independent of the others.

### **5.6.3.1 Surplus Farm Dwelling Severances**

Farm dwellings made surplus to farm operations as a result of farm consolidation may be considered for severance provided all of the following criteria are satisfied:

(a) The land on which the surplus farm dwelling is situated must be operated, or will be operated as part of the consolidated farm operation. For the purposes of this section of the Official Plan, a corporation may be an eligible farming operation to sever a surplus farm dwelling provided the same corporation owns at least two farms, each containing a residence, one of which is surplus to the farm operation that may be severed in accordance with this section; and an unincorporated group of one or more person(s) may be an eligible farming operation to sever a surplus farm dwelling provided a majority of the owners in the group, together or individually own another farm containing a residence, one of which may be severed in accordance with this section of the Official Plan; where owners normally reside in the same household, they may be considered as one individual within the group of owners;

(b) The land on which the surplus farm dwelling is situated and the land to which the consolidated farm operation to which the farm dwelling has become surplus must be located within the County of Perth;

(c) The minimum distance separation provisions of MDS I must be satisfied from any livestock facilities on the remnant farm property;

(d) The surplus farm dwelling must be a minimum of ten (10) years old at the date of the application for consent, and must be habitable, as determined by the local Chief Building Official;

The area of land to be severed for the surplus farm dwelling lot shall be limited to the minimum size required for the residential use and to accommodate the appropriate sewage and water services;

(f) The farm property on which a surplus farm dwelling is located must be eligible for the Farm Property Class Tax Rate Program and the property owner must have a valid Farm Business Registration Number;

(g) The proposed lot for the surplus farm dwelling shall not include any barns or structures used for livestock housing purposes;

(h) The proposed lot for the surplus farm dwelling shall only be used for residential purposes including: a dwelling and accessory uses, buildings and structures (i.e. driveway, detached garage, swimming pool); a home occupation; and a bed and breakfast establishment. Farm-related uses including: the raising of livestock; a secondary farm occupation; a farm vacation establishment; and farm-related commercial and industrial activities shall not be permitted on the proposed lot for the surplus farm dwelling. As a condition of approval, the County of Perth Land Division Committee shall require a Zoning By-law amendment be adopted by the local municipality to regulate the permitted uses on the lot for the surplus farm dwelling as outlined above; and

i)an amendment to the local municipality's implementing Zoning By-law shall be required in order to prohibit any new permanent residential dwellings, with the exception of those permitted by Section 5.5.6.5 (Second Dwelling Units) on the remnant farm property. Further, an agreement for such prohibition of any new permanent residential dwellings shall be registered on the property title of the remnant farm property. The Zoning By-law amendment and the agreement as noted above shall be implemented through conditions imposed by the County of Perth Land Division Committee at the time that provisional consent approval is given to a consent application to sever a lot for a surplus farm dwelling.

- xiv) Official Plan - United Counties of Prescott and Russell, office consolidation November 2018

## **7.4 Development Control**

### **7.4.2.3.1 Farm Consents**

Farm lot size shall be maintained as large as practical and farm consents to land severance shall only be considered where the Consent Approval Authority is satisfied that the lots be:

1. of a size appropriate for the type of agricultural uses common in the area; within the United Counties of Prescott and Russell, both the severed and retained parcels shall be generally 40 hectares in size, and;
2. sufficiently large enough to maintain flexibility for future changes in the type or size of agricultural operations;
3. the proposed consent does not create or promote inappropriate agricultural land fragmentation;
4. the farm buildings either existing or proposed will be sufficiently separated from buildings on adjacent lots to comply with the Minimum Distance Separation Formulae II as amended from time to time.

### **7.4.2.3.2 Surplus Residential Consents**

Surplus residential consents may be considered for a farm dwelling 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. Final approval of a consent shall require that the new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance. The Consent Approval Authority 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 farmland parcel rendered vacant as a result of the severance. Local municipalities may request a condition on the Consent Approval Authority decision to sever 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.

### **3.6 Agricultural**

**3.6.7** In the Agricultural designation lot creation is discouraged and may only be permitted for:

a) *Agricultural uses*, provided new lots for *agricultural uses* should not be less than 40 hectares or the original survey lot size, whichever is lesser, or 16 hectares in *specialty crop areas*.

b) *Agriculture-related uses* (PPS 2014), provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage* and *water services*. Residential uses shall be prohibited on such lots, and they shall be zoned accordingly;

c) a *residence surplus to a farming operation* as a result of farm consolidation, 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

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; or

d) *infrastructure*, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

## 6 Supporting the Countryside

### 6.E Lot Creation and Lot Adjustment Policies

6.E.1 *Development applications* to create a new residential lot within the Prime Agricultural Area or Rural Areas designations, or which would otherwise result in the creation of a new residential lot, will not be permitted except in the following circumstances:

- (a) to create a lot for a second residence designated under the Heritage Act that would become surplus to the farm operation as a result of a proposed consolidation of the farm, subject to Policy 6.E.8; and
- (b) within the Rural Areas designation, to create new infill lots for residential purposes within an existing grouping of rural residential lots that has not been designated in an Area Municipal official plan as a Rural Settlement Area, subject to Policy 6.E.10.

6.E.2 *Development applications* to create new non-residential lots within the Prime Agricultural Area or Rural Areas designations may be permitted only in the following circumstances:

- (a) within both the Prime Agricultural Area and Rural Areas designations, to create new farm parcels, or reconfigure existing farm parcels where lands are severed from one farm parcel and conveyed as a lot addition to an adjoining farm and held in one ownership in accordance with Policy 6.E.3;
- (b) within both the Prime Agricultural Area and Rural Areas designations, to sever lands for *agriculture-related uses* in accordance with Policies 6.E.4 and 6.E.7;
- (c) within both the Prime Agricultural Area and Rural Areas designation, to facilitate conveyances to public bodies or non-profit entities for the conservation of *environmental features* or elements of the Greenlands Network, in accordance with Policy 6.E.9; and
- (d) within the Rural Areas designation, to create lots for *recreational and tourism uses* and *rural institutional uses*, in accordance with Policies 6.E.4, 6.E.11 and 6.E.13.

### Farm Lot Severances

6.E.3 *Development applications* to create a new farm parcel, or reconfigure existing farm parcels where lands are severed from one farm parcel and conveyed as a lot addition to an adjoining farm and held in one ownership, will comply with the following:

- (a) the minimum lot area for both the newly created and retained farm parcels will be 40 hectares each; or
- (b) where the newly created or retained farm parcels would have lot areas less than 40 hectares, the owner/applicant will be required to provide information satisfactory to the Region, which demonstrates that the resulting farm parcels will:
  - i) be of a size appropriate for the type of *agricultural uses* common in the area; and
  - ii) be sufficiently large enough to sustain an economically viable farm operation and to maintain flexibility for future changes in the type or size of agricultural operations.

6.E.4 *Development applications* to sever lands from an existing farm parcel for an *agriculture-related use, recreational and tourism use, rural institutional use*, or for the purposes of conserving *environmental features* or elements of the Greenlands Network as provided for in this Plan, will be in conformity with all applicable policies in this Plan and the following:

- (a) the minimum lot area for the retained farm parcel will be 40 hectares; or

(b) where the retained farm parcel would have a lot area less than 40 hectares, the owner/applicant will be required to provide information satisfactory to the Region, which demonstrates that the resulting farm parcel will:

- i) be of a size appropriate for the type of *agricultural uses* common in the area; and
- ii) be sufficiently large enough to sustain an economically viable farm operation, and to maintain flexibility for future changes in the type or size of agricultural operations.

6.E.5 The Region may consult with the *Province*, or other professionals knowledgeable in farm economics and management, at the owner's/applicant's expense, to evaluate the farm severance for conformity with the provisions of Policies 6.E.3 and 6.E.4.

6.E.6 This Plan recognizes that there are many existing farm parcels within the Prime Agricultural Area and Rural Areas designations that are less than 40 hectares in area. These undersized parcels are considered as *agricultural uses* except where otherwise provided for in this Plan.

### **Severances for Surplus Dwellings Designated Under the Heritage Act**

6.E.8 Where two or more farm parcels are to be merged in title into one ownership, with each lot having one dwelling, a new lot may be created for the dwelling surplus to the needs of the merged farm provided that:

- (a) the surplus dwelling is designated by the Area Municipality as a heritage property under the Heritage Act; and
- (b) the new lot has a maximum area of one hectare, except where natural features or existing lot patterns justify the inclusion of additional lands.

### **10.3 Prime Agricultural Land**

#### **10.3.2 Agricultural Uses**

New lots for agricultural operations shall be of a size appropriate for the type of agricultural use(s) common in the area and sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations. New agricultural lots will normally be a minimum of 35 hectares in size. Smaller lots may only be considered where there is clear evidence that the farmer intends to conduct an agricultural pursuit which can be successful on a smaller property.

Where practical, the creation of agricultural lots along the original lots in the Township survey is encouraged even if somewhat smaller than normal lots result.

New agricultural lots may include lands in the Greenlands System where necessary to provide logical lot lines, provided that suitable building envelopes and new access routes are available outside of, and a suitable distance from, Core Greenlands and Greenlands features.

#### **10.3.4 Residence Surplus to a Farming Operation**

A severance may be considered for an existing residence that is surplus to a farming operation as a result of farm consolidation, provided that:

- a) the remaining vacant farmland is large enough to function as a significant part of the overall farm unit; and
- b) the result of removing the surplus dwelling from the farm does not render the remaining farmlands difficult or inefficient to farm; and
- c) the amount of good farmland retained with the surplus house is kept to a minimum size needed for residential purposes, taking into consideration environmental and topographic features; and
- d) the surplus residence is habitable and is not expected to be demolished by a future owner; and
- e) the Minimum Distance Separation formula will be met, and
- f) the vacant parcel of farmland is rezoned to prohibit a residential use.

The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels, where the impact on existing and future farm operations can be kept to a minimum.

### **10.4 SECONDARY AGRICULTURAL AREAS**

#### **10.4.2 Agricultural Uses**

New lots for agricultural operations shall be sufficiently large to allow the type or size of agricultural operations common to the area. Smaller lots may only be considered where there is clear evidence that the farmer intends to conduct an agricultural pursuit which can be successful on smaller property.

#### **10.4.4 Residential Lots**

One new lot for residential purposes may be allowed from a parcel of land existing on March 1, 2005, provided that:

- a) the lot generally meets a 0.4 ha minimum lot size and is not larger than needed to accommodate the intended residential use, consisting of the dwelling, accessory buildings and uses, and individual sewage and water services, while taking into account site constraints such as grading, sightlines, natural heritage features, hazardous lands, and Minimum Distance Separation requirements;

- b) the accessory buildings referred to in a) above may include a hobby barn, subject to local regulations;
- c) the lot has access to an open public road;
- d) the residential use will not hinder or preclude the present use or future potential for agricultural or mineral aggregate operations;
- e) the residential use is compatible with surrounding development;
- f) the use is well removed from any settlement area boundary;
- g) the lands have been owned by the applicant for at least 5 years.

Residential lots in the Secondary Agricultural Area are to be considered part of the rural portion of the local municipal growth strategy. In considering new residential lots the County will assess whether other locations exist on the same property which would provide a more appropriate site given the overall policies of this Plan.

For the purposes of this section, if a parcel of land was the subject of a severance application that was submitted before March 1, 2005, then the severed and retained parcels will be deemed to have existed on March 1, 2005, and a new residential lot may be considered.