

**Township of South Stormont**  
ACTION REQUEST  
Planning and Building Department



**To:** Council  
**From:** Karl Doyle, Director of Planning / Building  
**Date of Meeting:** November 10, 2021  
**Subject:** By-law No. 2021-085 to Amend By-law No. 2011-100 (Maclean)  
**Roll No:** 040600602047400  
**Owner/Applicant:** David Maclean  
**Legal:** 52R-1055, Part 7; Part Lot 18 Concession 6, Geographic Township of Osnabruck, Township of South Stormont  
4190 County Road 14



**Recommendation:**

That By-law No. 2021-085, being a by-law to amend By-law No. 2011-100, be read and passed in open Council, signed, and sealed this 10th day of November, 2021.

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**Executive Summary:**

The purpose of this zoning amendment is to rezone part of 52R-1055, Part 7 on Part of Lot 18, Concession 6, Geographic Township of Osnabruck, Township of South Stormont, 4190 County Road 14;

From: "Agricultural (A)"

To: "Agricultural – Special Exception One (A-1)"

The Agricultural – Special Exception One (A-1) will prohibit future residential uses on the retained portion of the subject lands, as described within Consent Application No. B-113-21.

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**Background:**

The applicant was granted provisional consent approval by the United Counties of SDG to sever approximately 0.79 hectares (1.95 acres) of land from a 21.83-hectare (53.95-acre) parcel of land to accommodate a residence surplus to a farming operation (Application No. B-113-21). The lands proposed to be severed are currently residential in use, and will continue to be used for residential purposes, while the retained lands will continue to be farmed.

To satisfy the conditions of provisional consent approval, comply with the 2020 Provincial Policy Statement (PPS), as well as the United Counties of SDG Official Plan (OP), the retained lands must be rezoned to ensure the existing shed is not used for livestock purposes, and prohibit any future residential development.

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***Provincial Policy Statement (PPS)***

- a) The subject lands are located within the "*Prime Agricultural Area*", as defined by the PPS;
- b) Sections 2.3.1 and 2.3.4.1 of the PPS state that *Prime Agricultural Areas* shall be protected, and that lot creation is discouraged. The creation of a new lot may only be permitted in a small number of cases, one being to accommodate a residence surplus to a farming operation. Furthermore, should a new lot be created in the prime agricultural area, the planning authority must ensure that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services, as well as ensure that new residential dwellings are prohibited on the retained lands created by a severance.
- c) To ensure compliance with the PPS, the Township requested as a condition of severance approval, that the retained agricultural lands be rezoned to prohibit any future residential development/uses.
- d) Considering the above, staff are of the opinion that the proposal is consistent with the *Provincial Policy Statement 2020*.

### **United Counties of SDG Official Plan (OP)**

- a) The subject lands are designated "Agricultural Resource Lands" under the OP;
- b) As described earlier in this report, Section 8.12.13.3, Subsection 7 of the OP establishes policies very similar and consistent with the PPS for consents within *Agricultural Resource Lands*, for example, parcel size, land use, and protection of farmland. This Section states that, following a severance of a residence surplus to a farming operation, "the local municipality shall, through the Zoning By-law or other municipal approach, prohibit further dwellings on the vacant retained lands created by the subject consent."
- c) Considering the above, staff are of the opinion that the proposal conforms with the policies and direction established under the OP.

### **Township of South Stormont Zoning By-law (ZBL)**

- a) The subject lands are zoned "Agricultural (A)" under the ZBL;
- b) Following a review of the existing buildings/uses present on the severed parcel of the subject property, the proposed severance appears to meet the requirements for a lot to be used for a single detached dwelling in the Agricultural zone, as established under Section 10.1 of the Zoning By-law.
- c) Following a review of the existing buildings/uses present on the retained portion of the property, the existing implement shed cannot be used for livestock purposes. Implement sheds are multi-use structures generally used to store farm equipment, hay, etc.

Considering the above, and to ensure compliance with the PPS and OP, the Township required that the applicant apply to rezone the retained lands to "Agricultural – Special Exception 1 (A-1)". Notwithstanding the rezoning of the retained lands to prohibit future residential development the following uses will continue to be permitted in the A-1 zone, subject to compliance with the Zoning By-law:

- agricultural uses;
- agricultural-related uses;
- agricultural uses, small;
- conservation use;
- existing cemetery;
- farm produce outlet;
- forestry use;
- garden nursery;
- greenhouse, commercial;
- kennel;
- riding stable;

- sawmill, portable;
- sod farm.

### ***Circulation / Comments Received***

The Notice of Public Meeting was sent via regular mail to all adjacent landowners within 120 metres of the subject lands and circulated via email to the prescribed list of persons and agencies outlined under Section 34 of the *Planning Act*.

A public meeting was held on October 27<sup>th</sup>, 2021. No commentary or submissions have been received.

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### **Alignment with Community Strategic Plan:**

Goal 3: Economic Growth

Objective 3.1: Small Business Retention

Objective 4.2: Towns, Villages, and Farms

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### **Risk and Asset Management Considerations:**

N/A

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### **Options:**

1. That Council adopt the presented by-law to amend the zoning. This is the recommended option.
2. That Council defers consideration of the subject application.
3. That Council refuses the subject application.

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### **Financial Impact:**

N/A

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### **Others Consulted:**

Senior Management

*Prepared by:*

*Kim MacDonald, Community Planner*