Subject
FINAL RECOMMENDATION REPORT Zoning By-law Amendment (Z21-03) Surplus Farm Dwelling Severance 5197 Fourth Line (A & A Family Farms Ltd.)

Recommendation
Be it resolved that Council hereby receive report number PD2021-27; “Zoning By-law Amendment (Z21-03) A & A Family Farms Ltd.;
And That Council approve the site-specific Zoning By-law Amendment Application by A & A Family Farms Ltd., 5197 Fourth Line, Town of Erin, and adopt the implementing Zoning By-law amendment.

Background
A Zoning By-law Amendment application has been submitted to the Town of Erin by A & A Family Farms Ltd., for lands municipally known as 5197 Fourth Line.

This rezoning is a condition of approval for severance applications B2-21 and B15-20. The applicant is proposing a site-specific Zoning By-law Amendment to prohibit a new residential dwelling on the retained agricultural parcel of B2-21 and permit a minimum lot frontage of 12.0 metres on the severed parcel of B2-21.

LOCATION
The subject site is legally described as Part Lots 8 and 9, Concession 5 West, in the Town of Erin; and is municipally known as 5197 Fourth Line.

Surrounding land uses are primarily agricultural and rural residential uses.

An aerial photo identifying the subject site is included with this report as Appendix A. The subject site is located on the east side of Fourth Line, north of Wellington Road 50, and has a total area of approximately 67.3 hectares (166.3 acres). It has a frontage of approximately 1056 metres on Fourth Line.

The subject site is occupied by two barns, grain silos and 2 detached dwellings. One barn is proposed to be demolished and the grain silos are to be removed.
PROPOSAL

The site is subject to two Land Division Applications. Land Division Application B15-20 proposes to sever the property into two agricultural properties, 24.8 hectares and 37.6 hectares in area. The second Land Division Application B2-21 proposes to sever a surplus farm residence from the agricultural lands. The severed parcel is 1 hectare in area.

As a condition of approval for Land Division Application B2-21, the applicant is required to receive zoning compliance for both the severed and retained parcel. This rezoning application will prohibit the erection of a dwelling on the remnant farmland, recognize the two dwellings on the severed parcel, and permit a minimum lot frontage of 12 metres for the severed parcel.

CONSISTENT WITH PROVINCIAL PLANS AND POLICIES

The Provincial Policy Statement, 2020 (PPS) allows lot creation within prime agricultural areas subject to specific criteria. Section 2.3.4.1 (c) of the PPS provides consideration for the severance of a surplus residence, provided that:

- the new lot is a minimum size to accommodate appropriate sewage and water services; and,
- new residential dwellings are prohibited on the remnant parcel of farmland.

The attached draft By-law (Appendix B) will prohibit detached dwellings on the remnant parcel of farmland created by Land Division Application B2-21. In addition, the severed parcel is a sufficient size to accommodate appropriate sewage and water services. The proposal is consistent with the PPS.

CONFORMITY WITH ERIN’S OFFICIAL PLANS, URBAN DESIGN GUIDELINES AND ZONING BY-LAW

The Town of Erin’s Official Plan designated the subject property as Prime Agricultural, with a portion of the retained lands designated Core Greenlands. Lot creation for Prime Agricultural lands are permitted, in compliance with Section 10 of the County of Wellington’s Official Plan.

Section 10.3.1 c) of the County Official Plan allows for lot creation in prime agricultural areas if a residence is surplus to a farming operation. Section 10.3.4 provides criteria for the creation of a lot for a surplus residence, including but not limited to:

- the retained parcel is large enough to function as a significant part of the overall farm unit
- removal of the surplus dwelling does not render the retained farmlands difficult or inefficient to farm; and,
- the vacant parcel of farmland is rezoned to prohibit a residential use.

The severed lot is outside of the Core Greenlands designated area. The remnant parcel
Is large enough to farm and removal of the surplus dwelling will render the farmlands difficult or inefficient to farm. Through this rezoning application, the farmland is being rezoned to prohibit a residential use. The proposal is in conformity with Erin’s Official Plan.

The Town of Erin has Urban Design Guidelines of the Villages of Erin and Hillsburgh. Since this property is outside the village boundaries, the Guidelines do not apply to this property.

The property is currently zoned Agricultural Site Specific (A-101) and Rural Environmental Protection (EP2) within Erin’s Zoning By-law 07-67, as amended. A zoning by-law amendment is necessary to prohibit the construction of a dwelling on the retained parcel of B2-21 under the surplus farm policies.

Attached to this report is the recommended draft by-law which:

- applies a site specific zone to prohibit a residential dwelling and permits storage within existing barns on the retained parcel of B2-21;
- recognizes two existing detached dwellings on the severed parcel of B2-21; and
- permits a minimum lot frontage of 12.0 metres on the severed parcel of B2-21.

PUBLIC AND AGENCY & TOWN COMMENTS
A statutory public meeting for this application was held on September 21, 2021. No members of the public spoke or expressed any concerns regarding the application and no written comments were received. County Staff, Town Staff and commenting agencies have also indicated no concerns with the application.

DRAFT ZONING BY-LAW
A draft zoning by-law has been prepared for Council’s consideration, as Appendix B to this report.

**Strategic Pillar**
Economic Prosperity

**Financial Impact**
There is no financial impact associated with the proposed recommendation. Cash-in-lieu of parkland will be collected by the Town as part of the Consent process.

**Conclusion**
Staff is of the opinion that the proposed rezoning is consistent with Provincial Policy and conforms with the County of Wellington Official Plan and the Town of Erin Official Plan.

The rezoning would satisfy a condition of severance for B02-21, which was provisionally approved by the County Land Division Committee.
Review and consideration of the applicant’s proposal in the context of all applicable policies and regulations, and consideration of comments received, form the basis of this recommended approval and the attached implementing by-law in Appendix B.

Attachments
Appendix A: Location Map
Appendix B: Draft Zoning By-law

Becky Montyro                         Nathan Hyde
Director                             Chief Administrative Officer