



Mississippi
Mills

MUNICIPALITY OF MISSISSIPPI MILLS

OFFICIAL PLAN AMENDMENT 28
RURAL SEVERANCE POLICY REVIEW

FINAL CURRENT STATE REPORT

July 23, 2024





FINAL CURRENT STATE REPORT

OFFICIAL PLAN AMENDMENT 28 RURAL SEVERANCE POLICY REVIEW

MUNICIPALITY OF MISSISSIPPI MILLS

REPORT (VERSION 1)

PROJECT NO.: CA0027841.8983
DATE: JULY 23, 2024

WSP.COM

Cover Image Source: <https://businessviewmagazine.com/mississippi-mills-ontario-unique-community/>

SIGNATURES

PREPARED BY



Emile Coyle, MCIP, RPP
Senior Planner

July 23, 2024



Anita Sott, MCIP, RPP
Senior Planner

July 23, 2024

APPROVED BY



Matt Alexander, MCIP, RPP
Practice Lead

July 23, 2024

WSP Canada Inc. prepared this report solely for the use of the intended recipient, the Municipality of Mississippi Mills, in accordance with the professional services agreement. The intended recipient is solely responsible for the disclosure of any information contained in this report. The content and opinions contained in the present report are based on the observations and/or information available to WSP Canada Inc. at the time of preparation. If a third party makes use of, relies on, or makes decisions in accordance with this report, said third party is solely responsible for such use, reliance or decisions. WSP Canada Inc. does not accept responsibility for damages, if any, suffered by any third party as a result of decisions made or actions taken by said third party based on this report. This limitations statement is considered an integral part of this report.

The original of this digital file will be conserved by WSP Canada Inc. for a period of not less than 10 years. As the digital file transmitted to the intended recipient is no longer under the control of WSP Canada Inc., its integrity cannot be assured. As such, WSP Canada Inc. does not guarantee any modifications made to this digital file subsequent to its transmission to the intended recipient.

TABLE OF CONTENTS

1	INTRODUCTION	1
1.1	Background – Rural Severances Review	1
1.1.1	Official Plan Amendment 28	2
2	POLICY CONTEXT AND REVIEW	3
2.1	Provincial Legislation and Policy	3
2.1.1	Planning Act	3
2.1.2	Bill 109 – More Homes for Everyone Act, 2022	4
2.1.3	Bill 23 – More Homes Built Faster Act, 2022	4
2.1.4	Bill 97 – Helping Homebuyers, Protecting Tenants Act, 2023	5
2.1.5	Bill 185 – Cutting Red Tape to Build More Homes Act, 2024	6
2.1.6	Provincial Policy Statement, 2020	7
2.1.7	Draft Provincial Planning Statement, 2024	8
2.2	Ontario Ministry of Agriculture and Rural Affairs Policies	9
2.3	Lanark County Policy Context	9
2.3.1	Rural Areas	10
2.4	Municipal Policy Context	11
2.4.1	Municipality of Mississippi Mills Community Official Plan (December 4, 2019)	11
2.4.2	Mississippi Mills Rural Lot Creation Policies Community Official Plan Review Report (J.L. Richards, 2015)	14
2.4.3	Official Plan Amendment 29 - Prime Agricultural Area Designation Review	15
2.5	Municipality of Mississippi Mills Zoning By-law (Office Consolidation March 2020)	16
3	CONCLUSION	17

1 INTRODUCTION

WSP understands that the Municipality of Mississippi Mills ("the Municipality") seeks to review policies for non-farm rural severances on lands designated "Rural" in the Municipality's Community Official Plan (Approved December 4, 2019, as amended)("COP"), in order to ensure that Official Plan policies reflect current planning trends. The findings of this review will support the broader Municipally-initiated Official Plan Amendment 28 – Rural Villages and Vitality ("OPA 28"). The review will evaluate the existing rural severance policies in the COP against current Planning legislation and provincial policies, compare rural severance policies in similar municipalities, and recommend potential amendments to the COP policies applicable to non-farm rural severances.

This Current State Report ("Report") is intended to:

- Provide Municipal Planning staff and Council with a summary of recent changes to the Planning Act, and any effects on rural severances;
- Review the existing severance policies in the Municipality's COP which are applicable to properties designated "Rural", and examines their consistency with the Provincial Policy Statement, 2020 ("PPS 2020"), the Draft Provincial Planning Statement, 2024 ("Draft PPS 2024"), and any applicable policy direction from the Ontario Ministry of Agriculture, Food and Rural Affairs ("OMAFRA");
- Examine the conformity of the existing rural severance policies to the Lanark County Sustainable Communities Official Plan ("SCOP"); and
- Review the Municipality's approved Official Plan Amendment 29 ("OPA 29") and ongoing Official Plan Amendment 33 ("OPA 33"), as well as a previously completed rural severance policy review prepared by J.L. Richards (2015), to inform potential future policy recommendations.

It should be noted that this review is focused on non-farm rural severances and does not address farm-related severances on properties located within the Rural designation or on lands designated as prime agricultural areas.

1.1 BACKGROUND – RURAL SEVERANCES REVIEW

In August 2011, the Mississippi Mills Municipal Council requested staff to review the existing rural severance policies and explore policy options to allow additional severances under specific conditions, including: (1) permitting a third severance on land holdings that existed as of July 1, 1973, where the retained lot would maintain a minimum lot size of at least 20 hectares; and (2) permitting two severances on lots that existed as of January 1, 1985. After a detailed analysis of potential severances and rural building lots, and the impact on municipal infrastructure and lot distribution, the Municipality decided to maintain the existing rural severance policies.

On January 24, 2024, the Council issued a motion directing Planning staff to reassess the existing rural severance policies, recognizing there have been changes to provincial legislation and policies, and to ensure that the policies reflect current planning trends, the evolving rural landscape and demographics, and planning objectives within the Municipality.

WSP will assist the Municipality with undertaking the review of rural severance policies, the scope of work for which will include:

- This Current State Report, to examine the existing rural severance policies in the COP as they relate to recent updates in Planning legislation, provincial policies, and County policies;
- A Comparison Report, which will review rural severance policies and best practices from other similar municipalities across Ontario, including the lower-tier municipalities in Lanark County;
- A Recommendation Report, which will provide a series of recommendations for the Municipality's consideration with respect to potential policy amendments to be included as part of OPA 28. It is anticipated that recommendations may address the number of rural lots permitted to be created, in addition to the parcel to be retained, as well as other associated issues including but not limited to forced roads, driveway locations, lot sizes, and additional residential units.

1.1.1 OFFICIAL PLAN AMENDMENT 28

The review of the existing rural severance policies in the Municipality's COP forms part of the broader OPA 28, a Municipally-initiated Official Plan Amendment and related Zoning By-law Amendment which recognizes anticipated updated population projections from Lanark County and aims to ensure that the COP and Zoning By-law are up-to-date with current planning trends and best practices to support Mississippi Mills' rural villages and rural vitality. Through Official Plan Amendment 28 ("OPA 28"), the Municipality will conduct a vacant land assessment, a rural village commercial review, a village zoning review, and comprehensive reviews of rural and agricultural policies, including on-farm diversified uses, special rural uses (i.e., non-farm, non-residential uses), and rural severance policies.

As part of OPA 28, the Municipality will be undertaking public consultations to gather input from the community and help shape the strategic direction for rural development, focusing on enhancing the viability of rural villages and the broader rural economy. An initial Public Open House was held on July 11, 2024. Public consultation is ongoing, and a final round of public consultations is planned for September 2024.

The Draft OPA 28 and Zoning By-law Amendment will be prepared by Municipal staff from November 2024 to March 2025, at which time it will be brought to Council for consideration of approval by Municipal staff.

2 POLICY CONTEXT AND REVIEW

2.1 PROVINCIAL LEGISLATION AND POLICY

The following section considers provincial policy in relation to the Municipality's rural severance policies.

The land use planning framework in Ontario is based on a hierarchy of provincial planning legislation and land use policies and plans. The Planning Act, R.S.O., 1990, c. P.13, as amended ("Planning Act"), is the provincial legislation that sets the ground rules for land use planning in Ontario. The Provincial Policy Statement, 2020 ("PPS 2020") establishes policy directions applicable to all municipalities and planning authorities across Ontario related to matters of provincial interest concerning land use planning and development, and the management and protection of resources of provincial interest and public health and safety. In May 2024, the Province released an updated draft of a proposed Provincial Planning Statement, 2024 ("Draft PPS 2024"). At the time of this Report, the PPS 2024 is not yet in effect.

2.1.1 PLANNING ACT

The Planning Act sets out the regulatory framework for land use planning in Ontario. It describes how land uses may be planned and regulated, and which public bodies have the authority to impose policies and regulations.

The main purpose of the Planning Act, among other priorities, is to integrate matters of provincial interest into provincial and municipal planning decisions. The Act requires that all decisions be consistent with the Provincial Policy Statement and conform to applicable provincial plans.

In the Planning Act, a severance is a type of consent application, referred to as a consent to sever. A consent is required if a property owner wishes to subdivide a parcel of land or enter into a lease longer than 21 years. Although most municipalities with an approved Official Plan have specific policies for severances, the Planning Act provides the consent-granting authority to municipalities with tools for the decision-making process, which is further established through the policies of municipal Official Plans.

Section 53 of the Planning Act provides provisions for consent, including the criteria that must be considered for consent applications under subsection 51(24). This includes considerations such as determining if the application meets the intent of the municipal Official Plan and Zoning By-law, the suitability of the land for the proposed purpose, the shape or size of the lot, and the adequacy of services, among other criteria.

Any changes to the rural severance policies of the Community Official Plan or related Zoning By-law provisions must meet and be informed by the most current version of the Planning Act.

Recent changes to the Planning Act are summarized in **Sections 2.1.2 to 2.1.5**. While the majority of changes do not impact rural severances, the changes are provided for general information. The most significant recent change which directly impacts future rural severances is the **restriction of third-party appeal rights for consent applications**, further discussed in **Section 2.1.3**.

2.1.2 BILL 109 – MORE HOMES FOR EVERYONE ACT, 2022

The More Homes for Everyone Act, 2022 (Bill 109) received Royal Assent on April 14, 2022 and made various changes to the Development Charges Act, 1997, New Home Construction Licensing Act, 2017, Ontario New Home Warranties Plan Act, and Planning Act. The primary objective of Bill 109 is to address the housing crisis by accelerating the planning and development processes across Ontario, by creating more authorities for the Minister, providing new tools for municipalities, and implementing penalties for failure to process applications quickly. One of the key amendments includes delegating the authority for site plan approvals from municipal councils to staff, a move designed to streamline the approval process. This delegation is expected to speed up housing projects, thereby increasing the housing supply in a shorter time frame.

A notable provision of Bill 109 is the introduction of mandatory application fee refunds for Official Plan Amendments, Zoning By-law Amendments, and Site Plan Control applications if they are not processed within prescribed timelines. Municipalities were required to refund fees if they fail to meet the deadlines for decisions on these applications, with refunds increasing from 50% or 100% over time. However, **these changes to the Planning Act have seen been repealed through the more recent Bill 185, as summarized in Section 2.1.4.**

2.1.3 BILL 23 – MORE HOMES BUILT FASTER ACT, 2022

The More Homes Built Faster Act, 2022 (Bill 23) received Royal Assent on November 28, 2022, and enacted changes to a number of Provincial Acts, including: the Planning Act, Development Charges Act, Municipal Act, Conservation Authorities Act, Ontario Heritage Act, and Ontario Land Tribunal Act. Additionally, there are planned changes to O. Reg. 232/18 regarding inclusionary zoning, changes to the Ontario Wetland Evaluation System, and to the Ontario Building Code. This Act builds on the efforts of Bill 109, adopting a more aggressive approach to removing barriers to housing construction and reducing costs for developers. Key changes to the Planning Act include:

Permitting Additional Residential Units

Changes to Sections 16, 17, 22, 34 and 35 of the Planning Act, direct municipalities to implement policies and regulations that permit up to three (3) residential units in a single dwelling, or a residential unit in an ancillary building when the primary dwelling contains no more than two (2) residential units. The changes do not permit appeals with regard to Official Plan policies and zoning provisions that authorize additional residential units in serviced

residential areas.

Limiting Site Plan Control

The Planning Act currently establishes the right for municipalities to enact a site plan control area. Bill 23 amends the Act to exclude development of no more than 10 residential units from site plan control. In addition, site plan control may no longer consider the exterior design of buildings except as it relates to sustainable design, the protection of adjoining lands, and matters of health and safety. See also **Section 2.1.4** for further amendments related to site plan control enacted through Bill 97.

Draft Plan of Subdivision Applications

Section 51 of the Planning Act is amended to remove the requirements to hold a public meeting prior to approval of a Draft Plan of Subdivision application.

Appeal Rights and Planning Responsibilities for Conservation Authorities

Under a new Section 1(4.1) of the Planning Act, Conservation Authorities lose their appeal rights for Official Plans, Zoning By-laws, and amendments, as well as interim control by-laws, minor variances, **consents**, and plans of subdivision, except where the appeal relates to Natural Hazard policies as per Section 3.1 of the PPS, 2020 or any successive policies (excluding wildland fire policies).

Additionally, The Conservation Authorities Act, 1990, is amended to limit the purview of Conservation Authorities to focus on natural hazards and groundwater. The amendment further limits Conservation Authorities' responsibilities to review and comment on planning applications, either on behalf of the municipality or on their own.

Restricted Third-Party Appeal Rights – Consent and Minor Variance Applications

The Bill amends the Planning Act to restrict third-party appeal rights for **consent** and minor variance applications, limiting this right to a "specified person" as defined in the Planning Act. This term includes specific entities such as utility companies, oil and natural gas pipeline operators, railway companies, and telecommunication infrastructure operators. This change effectively narrows the ability of other third parties to appeal decisions related to these planning instruments, focusing appeal rights primarily on the applicant, the relevant municipality or approval authority, the Minister, and the specified public bodies who made submissions prior to the decision. The definition of "specified person" has been further amended through Bill 185, discussed in **Section 2.1.5**.

2.1.4 BILL 97 – HELPING HOMEBUYERS, PROTECTING TENANTS ACT, 2023

On April 6, 2023, the Ontario Government tabled Bill 97 – Helping Homebuyers, Protecting Tenants Act, 2023. Bill 97 amends a number of Provincial Acts, including the Planning Act, Municipal Act, Ministry of Municipal Affairs and Housing Act. Development Charges Act,

Building Code Act, Residential Tenancies Act, and City of Toronto Act. On June 8, 2023, Bill 97 received Royal Assent.

Bill 97 amends changes made to the Planning Act through Bill 23 to exclude development for residential purposes on a parcel of land from site plan control, if that parcel of land will contain no more than 10 residential units, unless the parcel of land includes any land in a prescribed area. O. Reg. 254/23 identifies the following prescribed areas:

- Any area within 300 metres of a railway line, other than certain exclusions specified in the O. Reg.; and
- Any area that is within 120 metres of a wetland, the shoreline of the Great Lakes-St. Lawrence River System, an inland lake, or a river or stream valley that has depressional features associated with a river or stream, whether or not it contains a watercourse.

2.1.5 BILL 185 – CUTTING RED TAPE TO BUILD MORE HOMES ACT, 2024

Bill 185, enacted on June 6, 2024, introduces substantial changes aimed at accelerating housing development by simplifying the planning and approval processes. This legislation amends multiple acts, including the Planning Act, to reduce barriers and streamline procedures, thereby facilitating the creation of new housing. Notably, it resulted in significant changes to the ability to file appeals of Planning Act decisions to the Ontario Land Tribunal (OLT). Key changes include:

Pre-Application Consultation Requirements

Municipalities are not permitted to require pre-application consultation meetings with development applicants for Official Plan Amendments, Zoning By-law Amendments, site plan approval, and draft plans of subdivision; these meetings are now voluntary. If an approval authority deems an application to be incomplete, applicants can also bring motions to the OLT before filing an application, which can decide whether a requirement to provide certain information as part of a complete application is reasonable. However, Official Plans can still provide policies to require certain information to be submitted with an application.

Fee Refunds

The application fee refund requirement introduced through Bill 109 for failure to decide on Zoning By-law Amendment and Site Plan Control applications is repealed. Application fees will not need to be refunded by municipalities. However, the timelines remain for rights to appeal: 60 days after receipt of a Site Plan, 90 days after receipt of a Zoning By-law Amendment and 120 days after receipt of an Official Plan Amendment. The previous refund rules apply to any application received before the changes in Bill 185 come into effect.

Changes to Appeal Rights – Third party appeals

Third party appeals are no longer permitted for municipally approved Official Plans, Official Plan Amendments, Zoning By-laws, and Zoning By-law Amendments; only appeals by the Minister of Municipal Affairs and Housing and (where applicable) the approval authority, “specified

persons”, public bodies, and registered owners of land that an Official Plan or Zoning By-law applies to, provided oral or written submissions were made to the municipality prior to adoption. “Specified persons” now includes NAV Canada, airport operators, aggregate and environmental compliance permit holders with sites within 300 metres and the owners of any such sites, as well as power generation corporations, oil and gas utilities, railway companies, and telecommunications companies, for example.

Changes to Appeal Rights – Settlement Area Boundary Expansions

Applications for Official Plan and Zoning By-law Amendments that propose to add land to an area of settlement can now be appealed to the OLT.

2.1.6 PROVINCIAL POLICY STATEMENT, 2020

The current Provincial Policy Statement (“PPS 2020”) came into effect on May 1, 2020 and replaced the former PPS, 2014. The PPS 2020 provides high-level land use planning policy direction for all municipalities across Ontario on matters of provincial interest.

Section 1.1.4 of the PPS sets out policies for “rural areas”, defined as “a system of lands within municipalities that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas.” **The PPS further defines “rural lands” as lands which are located outside settlement areas and which are outside prime agricultural areas, which is consistent with the lands designated “Rural” in the Municipality’s COP.**

Policy 1.1.4.1 supports healthy, integrated and viable rural areas by:

- a. building upon rural character, and leveraging rural amenities and assets;
- b. promoting regeneration, including the redevelopment of brownfield sites;
- c. accommodating an appropriate range and mix of housing in rural settlement areas;
- d. encouraging the conservation and redevelopment of existing rural housing stock on rural lands;**
- e. using rural infrastructure and public service facilities efficiently;**
- f. promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
- g. providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
- h. conserving biodiversity and considering the ecological benefits provided by nature; and
- i. providing opportunities for economic activities in prime agricultural areas, in accordance with policy 2.3.

Policy 1.1.4.2 provides that in rural areas, rural settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. **Further, per Policy 1.1.4.4, growth and development may be directed to rural lands in accordance with Policy 1.1.5.**

Policy 1.1.5 sets out specific policies for rural lands in municipalities. More specifically, **Policy 1.1.5.2 (c) sets out permitted uses**, including “residential development, **including lot creation**, that is locally appropriate”.

It can be interpreted that the PPS is generally supportive of lot creation in rural areas, if it is consistent with other applicable policies for development on rural lands, including compatibility with the rural landscape and ability to be sustained by rural services levels (Policy 1.1.5.4), and compliance of new lands, including the creation of lots, with the minimum distance separation formulae (Policy 1.1.5.8).

The creation of new residential lots in rural areas may be limited by the policies noted above, due to the existence of livestock facilities and application of required minimum distance separation formulae. Further, the creation of new residential lots may limit the ability of existing livestock facilities to expand or new facilities to be established. Any changes to rural severance policies must consider impacts to such uses.

INFRASTRUCTURE AND PUBLIC SERVICE FACILITIES

Section 1.6 of the PPS 2020 sets out policies pertaining to Infrastructure and Public Service Facilities. This section directs municipalities to provide infrastructure and public services in an efficient manner which shall be coordinated and integrated with land use planning and growth management. The policies of this section establish a hierarchy of preferred forms of servicing (Policies 1.6.6.2 through 1.6.6.5), and provide that planning authorities may allow lot creation only if there is confirmation of sufficient servicing capacity, including for hauled sewage from private communal and individual on-site sewage services.

All municipal Official Plan policies, including the Municipality’s OPA 28, as well as individual development applications made under the Planning Act, are required to be consistent with the PPS 2020.

2.1.7 DRAFT PROVINCIAL PLANNING STATEMENT, 2024

On April 10, 2024, Ontario released an updated draft of the proposed Provincial Planning Statement (“Draft PPS 2024”), following the initial draft issued for public comment in April 2023. This updated draft includes mostly minor changes from the 2023 version.

If adopted, the Draft PPS 2024 will replace both “A Place to Grow: Growth Plan for the Greater Golden Horseshoe” and the PPS 2020. This integration aims to create a single, housing-focused land use planning document designed to expedite government approval processes. While some policies and definitions in the Draft PPS 2024 are entirely new, many are modifications of those from the PPS 2020, reflecting the Province’s goal of supporting increased housing development. Once approved, all municipal planning documents and decisions on planning matters must be

consistent with the Draft PPS 2024, as mandated by subsections 3(5) and 3(6) of the Planning Act.

At this time, the policies in the Draft PPS 2024 do not contain significant changes to the PPS 2020 policies related to rural lands. Policy 2.6(1)(c) permits residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services. Policy 2.6(2) continues to promote development that can be sustained by rural service levels, and Policy 2.6(5) continues to require that new lands uses, including the creation of lots, comply with the minimum distance separation formulae.

Generally, draft policies pertaining to consents and lot creation have only been changed to ensure that consistent language is used throughout the document. The Draft PPS 2024 remains generally supportive of lot creation on rural lands, subject to the required servicing and provided that efficient development is maintained.

2.2 ONTARIO MINISTRY OF AGRICULTURE AND RURAL AFFAIRS POLICIES

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) is responsible for the agriculture, food, and rural sectors of Ontario and works to promote, support, and protect the agri-food sector and vibrant rural economies. OMAFRA has developed several guidelines to this effect, including the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, 2016 (Publication 851). This document provides important guidance for municipalities in permitting uses in agricultural areas and for implementing the minimum distance separation formulae.

Released in 2016, the guidelines assist decision-makers, farmers, and others in interpreting the Provincial Policy Statement, 2020 (PPS, 2020) and outline the range of uses that may be permitted in prime agricultural areas. Generally, this document aligns with the policies found in the 2020 PPS, which discourage lot creation on prime agricultural land. It also provides additional criteria for the instances where a severance might be accepted on a farm or in prime agricultural land. However, this document does not address non-farm severances on rural lands, outside of prime agricultural areas.

2.3 LANARK COUNTY POLICY CONTEXT

Lanark County adopted its Sustainable Communities Official Plan ("SCOP") on June 27, 2012 and it was approved by the Ministry of Municipal Affairs and Housing on June 18, 2013. The SCOP combines an Official Plan under the Planning Act with an Integrated Community Sustainability Plan, and guides development and land use planning in the County. It sets out the vision, goals, objectives, land use policies, and Schedule of land use designations guiding the County's physical, social, and economic growth over a 20-year planning horizon. It also provides a framework for coordinating and evaluating development applications, such as severances, subdivisions, and zoning amendments.

2.3.1 RURAL AREAS

Section 3.0 of the SCOP provides policies for the Rural Areas within the County, designated as “Rural Policy Area” on Schedule A, and composed of lands located outside of Settlement Areas, as well as natural resource areas and natural heritage areas. Rural areas are not the principal sector for development, as population and employment growth is intended to be directed to Settlement Areas identified in local municipal Official Plans.

Section 3.3.3 of the SCOP contains policies for lot creation in rural areas. More specifically, it provides that **“the creation of new lots in rural areas shall be limited in nature and shall generally occur through plans of subdivision or consent. The use of the Planning Act’s consent provisions may be appropriate under certain circumstances. The criteria identified for land division by consent in local Official Plans shall also apply”**.

Section 3.3.4.2 directs that development in rural areas shall generally proceed on the basis of private water and waste water systems, while Section 3.3.4.3 also permits the use of communal services which are not connected to full municipal sewage and/or water services, provided that they are for the common use of more than five units / lots and are owned, operated, and managed by the municipality, another public body, or a condominium corporation or single owner which has entered into an agreement with the municipality or public body, pursuant to Section 51 of the Planning Act.

Additionally, Section 3.3.4.5 directs that local Councils shall regulate rural residential and non-residential development through the development of local Official Plans and Zoning By-laws, and that **the use of subdivision and condominium control shall apply, as well as the granting of consents by the appropriate consent granting authority**. Consents, among the other development controls, shall be based on the following criteria:

1. permit and zone a range of housing types and sizes;
2. ensure adequate buffering of residential areas from incompatible non-residential uses through separation distance, landscaping or other appropriate means;
3. identify and zone permitted non-residential uses;
4. permit accessory apartments in accordance with Section 16(3) of the Planning Act;
5. ensure the protection of resources from incompatible uses through appropriate setbacks and the use of Minimum Distance Separation formulae where appropriate;
6. ensure the protection of natural heritage features.

The policies state that the minimum lot area required in rural areas shall be based on the area required to ensure adequate private water and septic wastewater disposal systems, and will be set out in local Zoning By-laws. Further, local municipalities may require larger lot areas than may be required for servicing, in order to maintain the character of a community.

Local municipal Official Plan policies regarding rural severances (i.e., consents) must conform to the policies of the SCOP. Lanark County, through an appointed Land Division Committee, is the approval authority for the issuance of consents.

2.4 MUNICIPAL POLICY CONTEXT

The following section summarizes the policy context within the Municipality of Mississippi Mills, including policies related to rural severances and lot creation in the Municipality's Community Official Plan (Approved December 4, 2019) ("COP"), as well as relevant OPAs and previous policy studies pertaining to rural severances.

2.4.1 MUNICIPALITY OF MISSISSIPPI MILLS COMMUNITY OFFICIAL PLAN (DECEMBER 4, 2019)

Section 3.3 Rural Policies of the COP sets out policies for lands located within the Rural designation, which do not include prime agricultural lands which have been placed in the Agricultural designation. The preamble identifies that over the last 20 years, there has been a significant influx of urbanites into the rural areas of the Municipality, on severed non-farm residential lots and in rural estate subdivisions. The COP also acknowledges the pressure for residential development on rural lands, and that it can be beneficial to the municipality provided it is limited and does not encroach upon agricultural operations, other resource-based industries, and environmental features.

Section 3.3.2 Permitted Uses of the COP permits a variety of rural land uses within the Rural designation, including non-farm residential dwellings and accessory uses, including garden suites, second dwelling units, home-based businesses, group homes, and bed and breakfast establishments.

Section 3.3.3 contains general policies for the Rural designation and Section 3.3.4 sets out policies for development adjacent to locally significant agricultural operations with the designation, including the following requirements relevant to rural severances:

- New buildings and structures, or the expansion or change of use of existing structures, shall be subject to the appropriate Minimum Distance Separation (MDS) calculations (3.3.3(1));
- New non-farm buildings and structures on lands adjacent to the Agricultural designation shall be setback 150 m from the boundary of that designation (3.3.3.(2)); however, development may be permitted on existing lots of record where this setback cannot be achieved, subject to approval from the Committee of Adjustment; and
- New non-farm buildings shall be setback 30 m from lands which are being utilized as part of an active agricultural operations, and the creation of new lots shall ensure there is an appropriate building envelope outside of this 30 m setback. However, on existing lots

of record where this setback cannot be achieved, development may take place within this setback, subject to approval from the Committee of Adjustment.

Section 3.3.5 contains policies to guide residential development within the Rural designation, including:

- Permitting one single detached dwelling and accessory structures on a lot having frontage on an open and maintained road (3.3.5(1));
- Restricting the severance of a permitted second dwelling from the balance of the property (3.3.5(2));
- Requiring that all residential dwellings be subject to the Minimum Distance Separation calculation (3.3.5(4));
- Consideration for visual impact of the development of a residential dwelling and associated accessory structures on the surrounding rural character, including compliance with setback requirements from the road as set out in the Zoning By-law (3.3.5(6)); and
- Requiring development to take place in accordance with the Rural Design Guidelines of the COP (Section 4.2.3)(3.3.3(7)).

Section 3.3.6 addresses severances and lot creation, and imposes various policy limitations. The COP regulates the creation of **rural non-farm residential lots through severance (3.3.6(4)).**

Each land holding shall be limited to two (2) lots plus a remnant lot (i.e., retained lot), except where otherwise provided for in the COP. A holding is defined as a parcel of land held in a conveyable ownership as of July 1, 1973 or an original township lot. A third severance for a non-farm residential lot may be considered if it is for severing an accessory detached dwelling built between 1998 and 2005 that is deemed surplus to a farming operation and has its own well, septic system, and entrance. Consents for boundary adjustments, partial discharges of mortgages, easements, or rights-of-way do not count towards the severance limit.

Section 3.3.6(5) provides that, for rural residential lots, permitted uses include single dwellings, home-based businesses, garden suites, bed and breakfasts, and limited agricultural activities.

Related policies include:

- Driveways must be placed at least 150 m from neighboring driveways on the same roadside, though exceptions can be made based on various planning considerations;
- Each lot must be able to support the proposed development with private services and have frontage on a maintained public road, with direct access onto a County Road or Provincial Highway being discouraged;
- The minimum lot size is one hectare (1 ha), exclusive of lands within designated flood plains, and the potential for Council to require larger lots depending on site conditions;
- A required 30 m setback for residential developments from active agricultural operations;

- No adverse impacts on significant landscape features, vegetation, and wildlife habitats, or other significant natural resources;
- Shared driveways for two (2) or more lots may be permitted under certain conditions; and
- Residential uses including accessory structures, private or communal wells and sewage disposal facilities, and access roads are not permitted on prime agricultural land or where there are aggregate resources, wetlands, floodplains or significant habitat of endangered or threatened species.

Section 3.3.7 provides policies related to cluster lot development, defined as a grouping of three (3) to five (5) lots (not including the retained parcel) created by consent for rural non-farm residential development. **This is a new development approach and treated as a pilot project, with a maximum number of 40 residential lots which can be created.**

The COP states that the “number of lots permitted in any specific cluster lot development proposal shall be determined based on the number of lots which were previously severed from the original township lot. The number of previous severances shall include all lots, including those created prior to July 1973:

- a. If an original township lot has had one (1) or fewer previous severances, a cluster lot development proposal involving the maximum of five lots could be considered.
- b. Where the original township lot has had two (2) previous severances, a cluster lot development proposal involving four lots could be considered.
- c. Where the original township lot has had three (3) previous severances, a cluster lot development proposal involving the minimum three lots could be considered.
- d. In no case shall a cluster lot development proposal, plus previous severances result in a situation where there are more than six lots created from an original township lot, excluding the remnant parcel.

The establishment of cluster lot development shall be discouraged within 1 km of the Almonte urban boundary. Further, if there is an original township lot which has not had any previous severances, the property owner may be able to pursue the creation of lots under severance policies of Section 3.3.6 or a cluster lot development proposal, but not both.

Section 3.3.7 contains detailed policies applicable to cluster lot development proposals, addressing minimum lot area of the parent property, internal road requirements, servicing requirements, density of development, placement of dwellings, buffering between active agricultural operations, ownership of lands, site plan requirements, among other matters.

The existing cluster lot development policies in the COP are currently being reviewed by the Municipality through the ongoing OPA 33. The Draft text of OPA 33 maintains the majority of the existing policies and removes reference to the policies as a pilot project; it contains some modifications and additions, such as proposed policies required holding zones for new cluster

lot development subject to specific requirements. As such, **the review of rural severance policies as part of the scope of OPA 28 will not include a review of rural residential cluster lot development, but may include recommendations which identify that cluster lot development should not occur through the consent process.**

2.4.2 MISSISSIPPI MILLS RURAL LOT CREATION POLICIES COMMUNITY OFFICIAL PLAN REVIEW REPORT (J.L. RICHARDS, 2015)

The Mississippi Mills Rural Lot Creation Policies Community Official Plan Review (May 12, 2015) was prepared by J.L. Richards (“J.L. Richards Review”) to review the current rural severance policies in the COP and undertake a background analysis of previous severances and GIS calculation/simulation of the effects of implementing the current policies to determine the number of potential new lots and where they might be located based on locational criteria. The evaluation involved a two-step process where properties were initially screened for eligibility under existing policies and then further refined based on developmental constraints. A detailed database was created from severances over the last 41 years, using several environmental and land use filters applied by Municipal staff and J.L. Richards.

As a result of the J.L. Richards Review, the following severance options were proposed:

- **Option 1 - No change:** This option would retain the current policy that allows two (2) severances per land holding held in a conveyable ownership as of July 1, 1973. For parcels, within the Municipality’s Natural Heritage Plan, the lot creation would be limited to one (1) severance.
- **Option 2 - Permit an additional severance on a lot where the retained parcel is greater than 20 ha:** In addition to the existing policies, a third severance could be considered where retained parcels maintain a lot area larger than 20 hectares if they have been held in a conveyable ownership as of July 1, 1973, complying with all other existing policies.
- **Option 3 - Move the Land Holding Date from July 1, 1973 to January 1, 1985:** This option maintains a maximum number of two (2) severances plus the retained lot, with the land holding creation date being updated from July 1, 1973 to January 1, 1985. Parcels of lands falling within the Natural Heritage Plan would be limited to one (1) severance.
- **Option 4 - Land Holding Date of January 1, 1985 with Natural Heritage Area (Lots with a min. 20 ha):** This option proposed a maximum of two (2) severances plus a retained lot, with a land holding creation date of January 1, 1985, with the subject lot having a minimum lot area of 20 ha. Parcels of lands falling within the Natural Heritage Plan would be limited to one (1) severance.

The J.L. Richards Review emphasized that these options aim to manage and support rural development effectively while balancing municipal sustainability and respecting local infrastructure and ward-specific growth impacts. Options that increased the number of

permitted severances and changed the land holding date represented options in response to Council's desire to explore policy changes that deviated from and eased up current severance restrictions to create additional lots while addressing certain concerns, in recognition that there are owners of existing rural residential lots that would not seek severances and would not contribute to rural growth opportunities through lot creation.

Ultimately, only Options 1, 2, and 3 were reviewed and staff recommended maintaining the current rural severance policies. No changes were implemented to the existing policies in the COP.

2.4.3 OFFICIAL PLAN AMENDMENT 29 - PRIME AGRICULTURAL AREA DESIGNATION REVIEW

In the 2006 COP, the Prime Agricultural Area designation consisted mostly of Canada Land Inventory Class 1 to 3 soils and active farming areas following consultation with area residents and OMAFRA. As part of the Municipality's OPA 21 (Five Year Review), OMAFRA staff were consulted to discuss the need to update the Prime Agricultural Areas and related policies. The Agricultural review was deferred from OPA 21 and completed through the separate OPA 29, adopted on September 20, 2022. Through OPA 29, the Municipality identified Prime Agricultural Areas where prime agricultural lands predominate, and was assisted by J.L. Richards & Associated Limited (J.L. Richards) in researching past Agricultural Land Evaluation and Area Review (LEAR) projects, as well as provincial guidelines, and developing an alternative LEAR methodology for Mississippi Mills in collaboration with OMAFRA and the Municipality's Agricultural Advisory Committee.

The effect of OPA 29 is to repeal and replace Schedule A – Rural Land Uses to the COP and make certain policy revisions to the COP to be in full force and effect on January 5, 2024. Schedule A has been revised to update the Agricultural designation and Rural designation as a result of the LEAR and redesignation of certain properties. With respect to lot creation (severance) potential, the change in designation from Rural to Agriculture or vice versa impacts a landowner's ability to sever non-farm residential lots if the landowner has an original township lot (as of July 1, 1973). The Agriculture designation limits lot creation to surplus farm dwelling severances, farm consolidations and severances that generally meet the minimum 40 ha agricultural lot area.

OPA 29 further results in the deletion of the Rural – Agricultural Overlay and related policies in the COP applicable to lands that were considered to be locally significant agricultural operations located outside the Agriculture designation, and subject to policies in Section 3.3 of the COP requiring new non-farm buildings to maintain a 30 m setback from active agricultural operations or seek Committee of Adjustment approval. OPA 29 deemed the Overlay and related policies unnecessary with respect to the implementation of setbacks from active agricultural uses, as there are other land use planning tools such as Minimum Distance Separation guidelines and zoning setbacks that enforce suitable setbacks between non-farm residential uses and agricultural uses.

2.5 MUNICIPALITY OF MISSISSIPPI MILLS ZONING BY-LAW (OFFICE CONSOLIDATION MARCH 2020)

The Municipality of Mississippi Mills Zoning By-law (Office Consolidation March 2020) (“ZBL”) establishes provisions to guide development on all properties within the Municipality, and sets out general provisions applicable to all development, as well as a series of Zones and associated permitted uses and lot and building requirements (e.g., minimum lot areas, setbacks). **For the purposes of this Current State Report, the zoning requirements for the Rural Zone (RU) Zone have been reviewed, which is the Zone that implements the Rural designation in the Municipality’s COP. Any future severances on lands zoned RU will be required to comply with the requirements of the ZBL.**

The following uses are permitted in the RU Zone:

- Detached dwelling
- Detached dwelling accessory to an agricultural use
- Garden suite
- Group home type A within a non-farm single detached dwelling
- Accessory apartment
- Agricultural uses
- Bed and breakfast
- Conservation areas
- Forestry
- Hobby farm
- Home-based business - domestic and household arts
- Home-based business - professional use
- Home-based business - rural business
- Home-based business - farm vacation
- Hunt or fishing camp
- Pit, Class A
- Sugarbush

For the purposes of a lot severance in the RU Zone, the following relevant performance standards are highlighted in **Table 2-1**.

Table 2-1: Zoning Performance Standards for Lot Sizes

Provision	Rural Use	Agricultural Use	Non-Farm Residential
Lot Area, Minimum (ha)	10	40	1
Lot Frontage, Minimum	150 m	150 m	45 m
Lot Coverage, Maximum	5%	5%	15%

3 CONCLUSION

This Current State Report provides an overview of the legislative and policy context applicable to the review of the Municipality of Mississippi Mills' existing non-farm rural severance policies as part of the broader OPA 28, which is focused on supporting Rural Villages and rural vitality. This Report finds that the existing municipal policies meet the requirements of the Planning Act, and are consistent with the current PPS 2020 and Draft PPS 2024 policies relevant to rural lot creation. However, there is potential for modifications to the existing policies to effectively promote rural development consistent with current planning trends and best practices, while respecting requirements related to preservation of rural character, adequate servicing, and avoidance of adverse impacts to natural resources and the natural environment which will be explored in forthcoming reports.

Recent changes to provincial legislation, including Bill 23 and Bill 185, enable municipalities to streamline planning processes and reduce bureaucratic barriers to facilitate timely and more efficient development, however, it is important that municipal Official Plans contain policies that direct this development to appropriate areas and consider the implications of increased rural lot creation on settlement areas, adjacent agricultural lands and natural areas, and overall rural character.

In conclusion, the findings and subsequent recommendations from the review of rural severance policies in Mississippi Mills and other comparative Ontario municipalities are intended to provide a solid foundation for potential amendments to the severance policies applicable within the Rural designation in the COP to be considered through OPA 28. The forthcoming Comparison Report and Recommendation Report will build on this Current State Report, to provide a fulsome overview of best practices and policy options for review by Municipal staff to ensure that Mississippi Mills' rural areas not only thrive but also maintain their unique character in the face of ongoing development pressures.