



COUNTY OF WELLINGTON

COMMITTEE REPORT

To: Chairman and Members of the Planning and Development Committee
From: Mark Paoli, Senior Policy Planner
Date: March 7, 2013
Subject: **Official Plan 5-Year Review – Severance Date Policy (PD2013-11)**

1. Background

In response to local municipality and public input, staff have considered options for the effective date for new lots in the Wellington County Official Plan 'Secondary Agricultural Area' designation.

2. Consultation

In June, 2012, Planning Committee directed staff to seek input from those local municipalities that have a 'Secondary Agricultural Area' designation about options to revise the effective date for the lot creation policies. Local Councils were sent excerpts from a planning report showing past severance trends, and passed resolutions expressing preference or support for the date options as set out below:

Minto - Option 1: Keep the existing policy which is based on the 1999 County Official Plan approval date.

Erin - Option 2: Change the policy to be based on March 1, 2005 at which point the combined policies of the Provincial Policy Statement, Greenbelt Plan and new Erin Official Plan were all in effect

Puslinch - Option 3: Change the policy to reflect the date of provincial approval of the County's 5-Year Review Amendment (likely some time in 2013).

At the Open Houses on OPA 81 that were held in September, 2012 and in correspondence, a number of landowners have expressed their view that the severance date should be changed to allow additional lots from parcels that have already had a severance.

Staff also met with the Wellington Federation of Agriculture (WFA) in November to discuss the severance date policy. The WFA suggest that Option 1 should be adhered to, or alternatively that the effective date of lot creation for secondary agricultural areas should be tied to the date in which a Land Evaluation Area Review study or equivalent review is completed and adopted into the official plan for each municipality, and only for properties newly designated as secondary agriculture. The WFA also expressed concern that "Land use policies that promote the proliferation of non-farm residences in prime or secondary agricultural areas diminish our food production capabilities."



3. Discussion

This section discusses trends and growth management considerations to provide context for the 'Secondary Agricultural Area' severance policies in the County, Minto, Erin and Puslinch.

3.1 Wellington County and Provincial Policy Timeline

The following summary is to provide additional context about the key policy trends related to rural residential development since the County Official Plan was approved in 1999.

1999 to 2004

When the Wellington County Official Plan was approved in 1999, all of the municipalities in the County had a 'Prime Agricultural Area' designation. Minto and Puslinch also had a 'Secondary Agricultural Area' designation.

'Prime Agricultural Area'	The County Plan did not allow retirement lots, but allowed 'infilling lots' (a new lot between two existing non-farm residences that were less than 100m apart) as provided for in the 1997 Provincial Policy Statement.
'Secondary Agricultural Area'	Only one new lot for residential purposes may be allowed from a parcel of land existing on the date of provincial approval (April 13, 1999) of the Official Plan. The policies also include criteria, including that the lands have been owned by the applicant for at least 5 years. Once a new residential lot from the parcel has been created, a second residential lot is not allowed from either the severed or retained parcels. These policies have remained unchanged.
'Estate Residential' and 'Lifestyle Community' developments	The County Plan and provincial policy also provided for new estate residential and lifestyle communities in the countryside, if a number of criteria including agricultural and environmental impact could be met.

Summary:

Rural residential development, subject to policy and technical criteria, was possible in a number of areas and in different forms.

2005 to present

Significant changes in the provincial and County policy framework for rural development occurred in late 2004 and during 2005, including: the 2005 Provincial Policy Statement; drafting and approval of the Greenbelt Plan; and consultation on the draft Growth Plan for the Greater Golden Horseshoe. County Council adopted several amendments to the County Official Plan to reflect approval of the new Erin Official Plan, update the growth forecasts, be consistent with the 2005 Provincial Policy Statement, and to conform with the Growth Plan for the Greater Golden Horseshoe which came into effect in 2006.



'Prime Agricultural Area'	'Infilling lots' and retirement lots are no longer permitted under the 2005 Provincial Policy Statement. Redesignation of prime agricultural lands to other uses is not allowed in the Greenbelt Protected Countryside.
'Secondary Agricultural Area'	The new Erin Official Plan added a 'Secondary Agricultural Area'.
'Estate Residential' and 'Lifestyle Community' developments	Not permitted in the Greenbelt. The County Official Plan was amended to not allow new estate residential or lifestyle communities in the rural area County-wide. This was in response to local pressures and anticipated a similar policy in the Growth Plan for the Greater Golden Horseshoe which later did come into effect.

Summary:

The area for potential severances was expanded with the addition of the Erin 'Secondary Agricultural Area', while opportunities for residential development in Prime Agricultural Areas or new estate residential and lifestyle communities were eliminated. The County growth forecasts that were prepared to conform with Places to Grow reflected this change.

3.2 Local Context

Limitations

It should be noted that, where the following sections refer to lot creation potential, the analysis took into account parcel size, environmental constraints, and configuration of existing buildings and structures in considering if a lot could be created. It was not feasible to do Minimum Distance Separation or safe access sight distance calculations. The estimates also rely on an assumption that every landowner will pursue a new lot. Individual landowners may prefer to retain their current lot configuration for a number of reasons.

The discussion of potential re-severances resulting from a date change to 2013 is based on lots created to the start of 2012. It was not possible to assess the re-severance potential of ongoing severance applications in 2012 that had not received final approval. The statistical difference is likely not significant for the purposes of this discussion, in part because lots created in 2012 could also reduce the base of potential lots that meet the current date policy.

Minto

Minto has had a 'Secondary Agricultural Area' designation in the County Official Plan since 1999. Lot creation in this area has been fairly consistent, averaging about 1 per year, with 14 new lots in total. As a result, it would appear that the potential for new lots is constrained by relatively low market pressure, rather than the current severance date policy.

Based on staff analysis of how many lots could be created by re-severing parcels already severed or retained under the current policy, there would be 1 potential re-severance if the date was changed to 2005, and 9 potential re-severances if the date was changed to 2013.



With 143 households forecast for 2011-2031 in the area of Minto outside of urban centres (i.e. outside of Clifford, Hariston and Palmerston), none of the date options would have a large impact on Minto's residential supply. Staff estimate that Minto's forecast and supply are approximately in balance.

Erin

As noted above, Erin did not have a 'Secondary Agricultural Area' designation until 2004. As a result of this change, there were 30 severances in 2006 (lag time between application and final approval is often about a year) 43 severances in 2007, and 10-15/year since 2008. There appears to be a strong market for rural severances in Erin and the area is fairly large, so staff do not anticipate a drop in activity under the current policy.

Based on staff analysis of how many lots could be created by re-severing parcels already severed or retained under the current policy, there would be no potential re-severances if the date was changed to 2005 (as there was no Secondary Agricultural Area until 2004), and 145 potential re-severances if the date was changed to 2013.

Relative to the 473 households forecast for 2011-2031 in the area of Erin outside of urban centres (i.e. outside of Erin Village and Hillsburgh), under current assumptions staff estimate that there is a surplus of about 40 units. The 145 potential re-severances created by the 2013 date would result in a surplus of about 185 units relative to the growth forecast.

Puslinch

Puslinch has had a 'Secondary Agricultural Area' designation in the County Official Plan since 1999. Lot creation in this area trended down from 2000 (40 lots) through 2006 (15), then averaged about 16 per year from 2006 through 2012, with 295 new lots in total since 1999. There appears to be a strong market for rural severances in Puslinch; however, severance activity has been ongoing for 13 years and opportunities are diminishing. This leads to the question as to how much remains of the 'base' of lots that meet the current date policy. To address this, staff undertook a detailed review, and estimate that there are approximately 150 potential severances that could be considered from parcels that have: 'Secondary Agricultural Area' designation; no severance since 1999; at least one acre for both the severed and retained lots; and appropriate zoning.

Based on staff analysis of how many lots could be created by re-severing parcels already severed or retained under the current policy, there would be about 108 potential re-severances if the date was changed to 2005, and about 180 potential re-severances if the date was changed to 2013.

Relative to the 712 households forecast for 2011-2031 in the area of Puslinch outside of urban centres (i.e. outside of Aberfoyle and Morryston), under current assumptions staff estimate that there is a deficit of about 114 units. With the 108 potential re-severances created by the 2005 date, the forecast and supply would be approximately in balance. The 180 potential re-severances created by the 2013 date would result in a surplus of about 66 units relative the growth forecast.



3.3 Agriculture

We have received a comment from the Wellington Federation of Agriculture expressing their view that the severance date should not change. The date change does not affect Prime Agricultural lands and the Secondary Agricultural Area was specifically created to encourage rural land uses to locate on poorer soils. There appear to be opportunities to limit the impact of a date change.

4. Conclusion

With shifts in provincial and County policy, the range of opportunities for rural residential development has narrowed over time. Rural severances continue to be an important part of the growth in some communities, particularly those with constrained urban settlements and poorer farmland, and this is reflected in the County growth forecasts and policies. If the County wants to retain the current severance date, we could adjust the growth forecasts.

In comparing the severance date options against the growth forecasts, it appears that:

- Leaving the date unchanged would not affect Minto or Erin, while Puslinch would run out of lot creation opportunities and not reach its growth forecast;
- Changing the date to 2005 would also not affect Minto or Erin, while Puslinch would have a balance between its supply and growth forecast;
- Changing the date to 2013 would not affect Minto to a large degree, while Erin and Puslinch would have surpluses relative to their growth forecasts.

Therefore, the 2005 date appears to be a reasonable option from a growth management standpoint and to limit the impact of the change.

5. RECOMMENDATION

“THAT Draft OPA 81 be revised to amend the severance date policy to March 1, 2005”

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark Paoli".

Mark Paoli,
Senior Policy Planner