

Planning Justification Report

31556 Pioneer Drive

Municipality of Dutton Dunwich



October 2022



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1.0 INTRODUCTION

The purpose of the following land use Planning Justification Report is to demonstrate that proposed severances to create a new agricultural lot, and a lot for a residence surplus to a farming operation, together with an associated Zoning By-Law Amendment on lands located at 31556 Pioneer Drive, in the Municipality of Dutton Dunwich, are consistent with the Provincial Policy Statement 2020 and conform to the Elgin County Official Plan and the Municipality of Dutton Dunwich Official Plan.

2.0 SUBJECT LANDS

The subject lands are legally described as Part of Lots 20, 21 & 22, Concession 5 in the Municipality of Dutton Dunwich, County of Elgin; and are known municipally as 31556 Pioneer Drive.

The subject lands are located on the south side of Pioneer Drive between Willey Road and Stride Road. The rectangular shaped parcel has a lot area of approximately 110 ha (271.8 ac), has frontage of approximately 305.6m (1,002.6ft) on Fourteen Mile Road, and a lot depth of approximately 710.7m (2,331.7ft) (see Figure 1).

Figure 1 – Subject Lands (Outlined in Blue) and Surrounding Context



A two-storey single-detached dwelling with attached garage, pond, and a two (2) one-storey metal clad storage/drive sheds are located towards the southwest corner of the subject lands. Individual on-site sewage and individual on-site water provide sewage and water services. The private on-site sewage system (septic) is located in the rear yard of the residence. A long, slightly curved, asphalt driveway extends from Pioneer Drive to the residence, attached garage and the storage/drive sheds. Figures 2-5 illustrate the existing dwelling and associated structures and amenities. It should be noted that two silos abutting the westerly drive shed (see Figures 2 & 5) have recently been removed.

Lands in agricultural production occupy the largest area of the subject lands and contain seven (7) grain bins. The subject lands are flat with no significant natural or built features or natural hazard areas.

Prominent features on the subject lands are the existing landscaping, pond, vegetation, and the mature trees which complement the well maintained single detached dwelling, which was constructed in 2003. The dwelling, ponds and landscaping are separated from the abutting Surrounding Land Uses.

The subject lands abut agricultural lands to the north, east, south and west. The dominant form of agriculture in the immediate area are cash cropping and livestock operations. Four (4) existing or potential livestock operations are located within approximately 1,000m (3280ft) of the subject lands.

Figure 2 – Existing Single Detached Dwelling and Associated Site Features (facing North of Pioneer Drive)



Figure 3 – Existing Single Detached Dwelling – Front Entrance (facing West)



Figure 4 – Existing Single Detached Dwelling – South Elevation (facing Pioneer Drive)



Figure 5 – Existing Single Detached Dwelling and Associated Site Features (facing south towards Pioneer Dr)



3.0 PROPOSAL

3.1 PROPOSED SEVERANCES

The registered owner of the subject lands is David Harold Durham and Mary Helen Durham (“Durham”). Littlejohn Family Farms Inc. (“LF Farms”), a farm operation in the County, has made an Offer to Purchase a portion of the Durham lands that include the existing residence. LF Farms proposes to consolidate the holding into its farm operation; and to sever the existing residence surplus to the needs of the farming operation. Consents to create one (1) new agricultural lot, and to subsequently sever the residence surplus to the needs of LF Farms from the new agricultural lot, are required to facilitate the proposal.

The initial consent application (“Consent #1”) proposes to create a new agricultural lot (“Farm Lot A”) with an area of 41.214 ha (101.8 ac) and a frontage of 515.245 m (1,690.4 ft) along Pioneer Rd. The retained lands (“Farm Lot B”) would have an area of 68.789 ha (169.98 ac) with 1068.05 m (3,504.1 ft) of frontage along Pioneer Drive. As noted above, LF Farms is the purchaser of Farm Lot A, while Durham will retain ownership of Farm Lot B (retained lands). Figure 6 illustrates the proposed severance detailed above.

A subsequent consent application (“Consent #2”) proposes to create a surplus lot from the Farm Lot A holdings (“Surplus Lot”), having a lot area of 1.214 ha (3.0 ac) with 75.879 m (248.95 ft) of frontage along Pioneer Drive. The “retained” portion of Farm Lot A would have an area of 40 ha (98.84 ac), with 439.366 m (1,441.49 ft) of frontage along Pioneer Drive. Figure 7 illustrates the proposed Surplus Lot.

The Surplus Lot is proposed to be occupied by the single detached dwelling with attached garage, paved driveway, two (2) drive sheds, and the landscaped area including a pond. The balance of the lands currently used for agricultural purposes comprise the lands proposed to be retained (Farm Lot A & Farm Lot B).

Figure 6 – Consent #1 Sketch

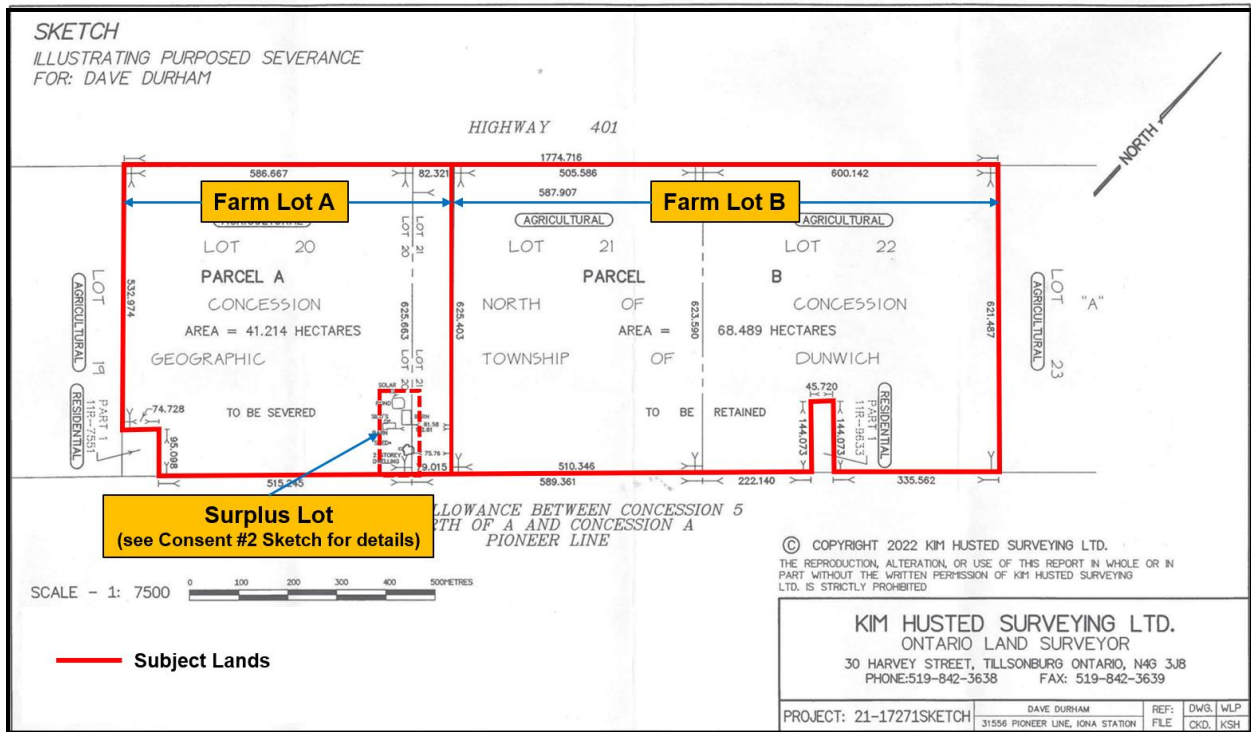
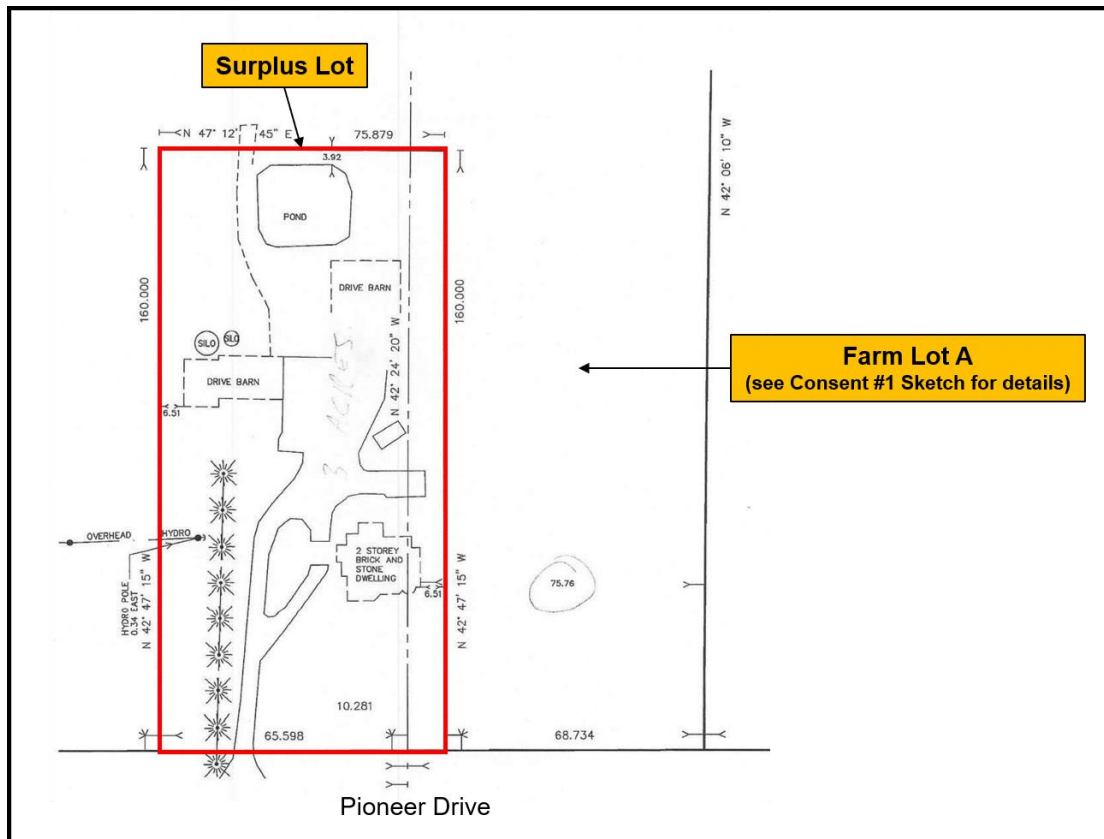


Figure 1 – Consent #2 Sketch



3.2 PROPOSED ZONING BY-LAW AMENDMENTS

The subject lands are zoned *Agricultural (A1) Zone* and *Exception – Special Agricultural (A2-12)* in the Municipality of Dutton-Dunwich Zoning By-Law (see Figure 8).

Figure 8 – Zoning Map



The following Zoning By-law Amendments are required in association with the proposed severances described in Section 4.1:

Farm Lot B

1. Rezone a portion of the Farm B Lands from *Agricultural (A1)* to *Exception – Special Agricultural (A2-12)*. Of note, the balance of the Farm B Lands and all of the Farm A Lands are already zoned *A2-12* (see Figure).

Surplus Lot

2. Rezone the Surplus Lot from the *Exception – Special Agricultural (A2-12) Zone* to an *Exception – Special Rural Residential (RS-X) Zone*. The exception to the RS Zone would permit a lot area of 1.214 ha (3.0 ac).

The proposed rezoning of the subject lands would bring the severed and retained lands into conformity with the Dutton Dunwich Official Plan.

There are no proposed changes to the current land use(s). There are no significant natural hazards or natural heritage features on the proposed severed and retained lands.

4.0 PLANNING DOCUMENT REVIEW AND POLICY ANALYSIS

The following sections demonstrate how the proposed severance and amendment to the Zoning By-law are consistent with the applicable policies in the Provincial Policy Statement 2020, and are in conformity with the Elgin County Official Plan and the Dutton-Dunwich Official Plan.

4.1 PROVINCIAL POLICY STATEMENT 2020 (PPS)

The PPS, issued under the authority of Section 3 of the Planning Act, *“provides policy direction on matters of provincial interest related to land use planning and development”* in order to ensure efficient development and protection of resources. All planning applications, including Zoning By-Law Amendment applications are required to be consistent with these policies.

Policies 1.6.6.4, 2.3.3.3, 2.3.4.1 and 2.3.4.3 apply to the subject lands.

1.6.6.4

“Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development.”

The proposed surplus residence has private individual on-site sewage service and individual on-site water services. According to the applicant, the on-site private services have functioned without issues. No residence requiring private services is proposed on the retained lands. As such, the proposed severance of the surplus lot is consistent with policy 1.6.6.4.

2.3.3.3

“New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.”

The proposed surplus residence is in compliance with the required Minimum Distance Separation 1 and is consistent with policy 2.3.3.3 (see also Section 5.2 and Appendix 1 of this Report).

2.3.4.1

“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;*

- 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; ...”*

The creation of Farm Lot A, through Consent #1, is intended for agricultural purposes and to be consolidated with other farm holdings of LF Farms. Both Farm A (40 ha) and Farm B (68 ha) are of sufficient size for their intended agricultural purposes, and are consistent with the minimum lot size requirements in the Zoning By-law.

Policy 2.3.4.1 c) allows surplus lots provided these are the result of a farm consolidation. The Surplus Lot is proposed as a result of a farm consolidation with LF Farms. LF Farms comprises eight different land holdings totalling 999.2 acres of which 553 are under crop cultivation. As well, 915 acres are rented and leased under long term arrangements from other landowners in the area. Corn soybeans and wheat are the crops grown on these acreages. The farming operation is located at 29751 Lakeview Line Wallacetown, Ontario and spreads east, west and north from that point. Based on the above, the proposal demonstrates that a residence surplus to a farming operation is proposed as a result of farm consolidation. As such, the proposed severance (Consent #2) and rezoning are consistent with Policy 2.3.4.1 c).

Policy 2.3.4.1c)1. requires new lots be limited to a minimum size needed to accommodate the use and appropriate sewage and water services. The “use” in this instance includes the residence, accessory buildings, landscaping (including the pond), well, septic tank and septic tile field, and the driveway. The proposed use has been in existence since 2003 and is not used for agricultural purposes. LF Farms does not require any part of the area of the Surplus Lot for current purposes or over the long term for agriculture.

The Surplus Lot exceeds the maximum lot area permitted in Section 9.1.3 (RS Zone Provisions) in the Dutton Dunwich Zoning By-law. As such, a site-specific zoning amendment is required to rezone the Surplus Lot from A2-12 to an Exception-Special Rural Residential (RS-X) Zone to permit the surplus dwelling together with a lot area of 1.214 ha (3.0 ac).

Policy 2.3.4.1c)2 prohibits new residential dwellings on any remnant parcel (the lands proposed to be retained) of farmland created by the severance to create a lot surplus to the needs of a farm operation. The municipal approach to prohibiting new residential dwellings on remnant parcels is to apply the Special Agricultural (A2) Zone. The Zoning By-law Amendment

application includes a request to rezone a portion of the Farm Lot B lands from A1 to A2-12. The balance of Farm Lot B and all of Farm Lot A are already zoned A2-12, which prohibits residential uses not existing on the date of the passing of the Zoning By-law. This approach is consistent with Policy 2.3.4.1 c) 2.

2.3.4.3

“The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 2.3.4.1(c).”

Consent #2 is consistent with policy 2.3.4.3 as demonstrated in the analysis of policy 2.3.4.1 c). As such, the proposed severance and rezoning to create a new agricultural lot and residence surplus to a farming operation is consistent with the PPS.

4.1 ELGIN COUNTY OFFICIAL PLAN

The current Elgin County Official Plan (“County OP”) is a consolidated version, dated February 2015.

The subject lands are designated “*Agricultural Area*” on Schedule A Land Use. Applicable policies are found in *C2 Agricultural Area (C2.1 Objectives, C2.4 Lot Creation/Consents)*, and *E1.2 Subdivision of Land (E1.2.3.1 General Criteria, E1.2.3.4 Lot Creation on Lands in the Agricultural Area)*.

C2.1 Objectives

It is the objective of this land use designation to:

- a) recognize agriculture as the primary activity and land use;*
- b) maintain and preserve the agricultural resource base of the County;*
- c) protect the County’s prime agricultural area from fragmentation, development and land uses unrelated to agriculture;*
- d) promote normal farm practices and to protect the right to farm;*
- e) promote a diverse, innovative and economically strong agricultural industry and associated activities by enhancing their capacity to contribute to the economy of the County; and,*
- f) preserve and promote the agricultural character of the County and its local communities.*

The proposed severance to create two separate farm parcels (Consent #1) allows the continuation of the existing use (agriculture) on both parcels, preserves lands in agricultural production, and strengthens an established farm operation. Farm operations in the area, including livestock operations, are not affected by the proposed surplus residence.

C2.4 Lot Creation/Consents

Policies respecting the creation of new lots on lands designated Agricultural Area are set out in Section E1.2.3 of this Plan.

The relevant policies of Section E1.2.3 are addressed below:

E1.2.3.1 General Criteria (New Lots by Consent)

Provisional consent may be granted subject to appropriate conditions of approval for the severed and/or retained lot. Prior to issuing provisional consent for a new lot for any purpose, the approval authority shall be satisfied that the lot to be retained and the lot to be severed:

- a) *fronts on and will be directly accessed by a public road that is maintained on a year-round basis;*

Response: all lands subject to the consent applications will have frontage along a public road (Pioneer Drive) that is maintained on a year-round basis. The standard of construction is adequate to accommodate traffic associated with farm operations.

- b) *does not have direct access to a Provincial Highway or County Road, unless the Province or the County permits a request for access;*

Response: the subject lands have direct access to Pioneer Drive, which is classified as a Local Road where it fronts the subject lands. Existing access points along Pioneer Drive will continue to be utilized, and no new access points are contemplated.

- c) *will not cause a traffic hazard;*

Response: no traffic hazards are anticipated, as the proposed severances are to recognize existing uses in conformity with the “*Agricultural Area*” designation in the County Official Plan and the “*Agriculture*” designation in the Dutton Dunwich Official Plan.

- d) *has adequate size and frontage for the proposed use in accordance with the local municipal Zoning By-law;*

Response: Farm Lots A & B satisfy the minimum lot and frontage requirements of the A1 & A2 zones. The Surplus Lot exceeds the maximum lot area and minimum lot frontage requirements of the proposed RS Zone.

- e) *notwithstanding d) above, where a zoning by-law amendment or minor variance is required, approval of such amendment or variance shall be included as a condition of the approval of the consent;*

Response: Acknowledged. A Zoning By-law amendment is required for Farm Lot B and the Surplus Lot.

- f) *can be serviced with an appropriate water supply and means of sewage disposal, provided there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services;*

Response: all lots affected by the consent applications have access to available municipal or private services.

- g) *will not have a negative impact on the drainage patterns in the area;*

Response: there are no new buildings or structures proposed, or any re-grading of the subject lands required to allow the proposed severances.

- h) *will not restrict the development of the retained lands or other parcels of land, particularly as it relates to the provision of access, if they are designated for development by this Plan;*

Response: the retained lots in both applications (Farm Lot A & Farm Lot B) are of sufficient size to accommodate access for the intended use (agriculture).

- i) *will not have a negative impact on the significant features and functions of any natural heritage feature; in this regard, lots should be restricted in size in order to conserve other lands in larger blocks for natural heritage purposes;*

Response: there are no negative impacts anticipated on natural heritage features as part of the consent applications.

- j) *will not have a negative impact on the quality and quantity of groundwater available for other uses in the area;*

Response: the proposed severances are intended to allow the continuation of existing uses. There are no known or anticipated negative impacts on the quality and quantity of available groundwater.

- k) *will not have an adverse effect on natural hazard processes such as flooding and erosion;*

Response: not applicable to the subject lands.

- l) *conform with the local Official Plan; and,*

Response: see Section 5.2 of this Report.

- m) *will conform to Section 51 (24) of the Planning Act, as amended.*

Response: The proposed severances conform to Section 51(24) of the Planning Act, particularly matters (c), (d), (f), (g) and (i).

E1.2.3.4 Lot Creation on Lands in the Agricultural Area

In accordance with the intent of this Plan to maintain and protect the agricultural resource of the County and direct the majority of new residential growth to settlement areas or existing vacant building lots, new lots may be permitted if the local Official Plan supports their creation and if:

- a) *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; or as established in the local planning documents or,*

Response: Farm Lots A & B will both have a minimum lot area of 40 ha.

- b) *the lot is to be created to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever, unless the retained parcel is the product of the merging in title of two adjacent*

*agricultural parcels in which case a dwelling unit would be permitted as part of the operation;
or,*

Response: The zoning of Farm Lot A (A2-12) already prohibits the development of new residential uses. A Zoning By-law amendment is required for a portion of the Farm B lands from A1 to A2-12 to prohibit new residential uses.

- c) *the lot is required for an agricultural-related use as outlined in Section C2.6 of this Plan, provided the new lot is limited to a minimum size needed to accommodate the use and appropriate sewage and water services.*

Response: Not applicable

In addition to the above, and as detailed in Section 5.2 of this Report, the Dutton Dunwich Official Plan supports the creation of new lots in Agricultural Areas, subject to the criteria in Section 8.3.4 b) of the OP.

Based on the above, the proposed severances and associated zoning amendments are in conformity with the relevant policies of the County OP.

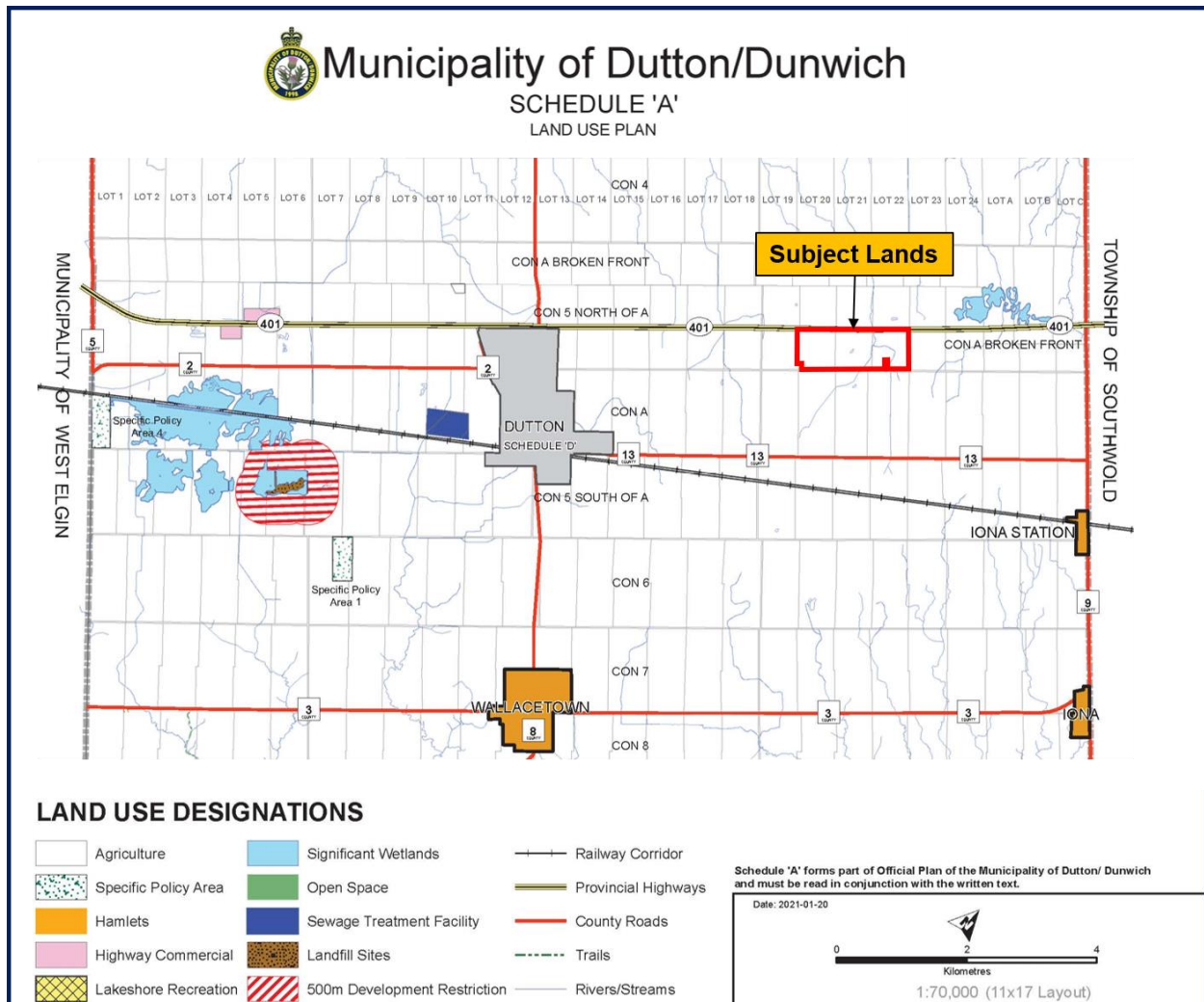
4.2 DUTTON DUNWICH OFFICIAL PLAN

The current Official Plan of the Municipality of Dutton Dunwich (“OP”) was adopted by Council by By-law 2021-14 on February 10, 2021 (OPA #4). County of Elgin approval was given on July 6, 2021.

The subject lands are designated “Agriculture” on Schedule “A” – Land Use Plan in the Dutton Dunwich Official Plan (see Figure 9). A Hazard Lands overlay also exists towards the east end of the subject lands (Farm Lot B). The existing buildings and agricultural use of the land are permitted uses in the Agriculture designation, according to Section 7.1.3 a) and 7.1.3 b) of the OP.

The intended uses for Farm Lots A & B (agricultural) are consistent with the Agriculture policies of the OP.

Figure 9 – Dutton Dunwich Official Plan: Schedule 'A' Land Use Plan



With respect to the proposed Surplus Lot, according to Section 8.3.4 b) Consent – Agricultural:

“Consents to sever and convey existing farm dwellings that are rendered surplus to the needs of a farm operation may be permitted in the ‘Agriculture’ designation provided:

- i. the existing dwelling is habitable and in existence for a minimum of five years;*

Response: The existing dwelling is habitable and has been in existence since 2003.

- ii. the lot with the surplus dwelling is not larger than is necessary to support a private sanitary sewage treatment and disposal system, as determined by the approval authority, and be serviced by a potable water supply;*

Response: The proposed area of the Surplus Lot is sufficient to accommodate a private on-site septic system and a contingency area for a private on-site septic system if required. A septic system is not required on the retained lands (Farm Lots A & B).

- iii. *the lot with the surplus dwelling meets the provisions of the Minimum Distance Separation I requirements;*

Response: MDS1 setback distances, for a proposed residential lot surplus to a farm severance, are measured from the closest point of the livestock and/or manure storage facility to the existing lot. All existing/potential livestock facilities within a 750 m distance of a proposed Type A land use were assessed as per MDS guideline #6.

A review of lands proximate to the subject lands identified four (4) agricultural uses with existing, or potential for, livestock facilities. Sites were reviewed using aerial photography and a site visit. Collected data was used to generate setback calculations using 2021 Agrisuite software. The following table lists each site with their associated MDS1 setbacks:

Address	MDS1 Setback	Actual Setback (approximate)	Complies with MDS 1
31681 Edinborough Line	429 m	631 m	Yes
31963 Edinborough Line	105 m	951 m	Yes
11232 Willey Road	105 m	628 m	Yes
31352 Pioneer Line	81 m	117 m	Yes

It is noted that, while all facilities noted above may not currently accommodate livestock, each was analyzed assuming livestock could be housed in existing buildings.

Based on the available information, the proposed severance for the purpose of a residential surplus lot, is outside the MDS1 setback distances, and, as such, the proposed severance complies with the applicable MDS guidelines. Appendix 1 contains additional detailed MDS calculations and analysis.

- iv. *the lot with the surplus dwelling complies with the provisions of the Special Rural Residential (RS) Zone as outlined in the Zoning By-law unless the by-law is otherwise amended, or a minor variance is granted;*

Response: A Zoning By-law Amendment application is being submitted concurrently to request a site-specific RS Zone for the Surplus Lot to permit the surplus dwelling on a lot with an area of 1.214 ha (3.0 ac).

- v. *the retained agricultural lands complies with the provisions of the Special Agricultural (A2) Zone as outlined in the Zoning By-law unless the by-law is otherwise amended, or a minor variance is granted;*

Response: A Zoning By-law Amendment application is being submitted concurrently to rezone a portion of Farm Lot B from the A1 Zone to the A2 Zone category. The balance of Farm Lot B and all of Farm Lot A are currently zoned A2-12.

- vi. *that additional residential dwelling units will be prohibited on retained agricultural parcels of land regardless of changes in property boundary or ownership. This restriction will be addressed by placing the retained lands into a Special Agricultural (A2) Zone prohibiting the construction of additional residential units;*

Response: see response to item v.

- vii. *that a land use conflict shall not be created with agricultural operations or other existing land uses in the immediate area;*

Response: There are no known unacceptable adverse impacts associated with the existing uses on the subject lands. No new land uses are being introduced as part of the proposed Consent and Zoning By-law Amendment applications.

- viii. *that farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation) has occurred; and*

Response: Farm consolidation will occur and Littlejohn Family Farms Inc. (“LF Farms”), a farm operation in the County, has demonstrated that the residence is surplus to its needs.

- ix. *that a farm operation or a registered owner of a farm operation must retain a minimum of one existing base of farm operation.*

Response: LF Farms is a family farm operation with several farms under its operations.

Based on the above, the proposed severances and associated zoning amendments are in conformity with the relevant policies of the OP.

4.3 DUTTON DUNWICH ZONING BY-LAW

The Dutton Dunwich Zoning By-law (“ZBL”) was approved by Council on May 11, 2022.

The subject lands are zoned “*Exception – Special Agricultural (A2-12)*” on Map No. 7, and “*Agriculture (A1)*” on Map No. 8 in the ZBL (see Figure 8). Agricultural uses are permitted in the A1 and A2-12 zones, which is the intended use for Farm Lots A & B. The existing (surplus) dwelling on the subject lands is considered a permitted use within the A2-12 Zone, according to Section 6.1.2 of the ZBL (Prohibited Uses), which prohibits “*All residential uses not existing on the date of the passing of this By-law.*” As previously noted, the existing dwelling has been located on the subject lands since 2003.

As previously noted, condition iv. of Section 8.3.4 b) of the OP requires that the lot containing the surplus dwelling complies with the provisions of the Rural Residential (RS) Zone. The “*Special Rural Residential (RS)*” Zone permitted uses and provisions are contained in Section 9 of the ZBL. The RS Zone applies to lots that are severed as a result of farm consolidation in order to accommodate surplus farm residence. Permitted uses include: one single detached dwelling on one lot; additional residential units; agricultural uses as an accessory use; animal kennels; forestry uses; one bed and breakfast establishment or vacation home; and one home occupation. A maximum lot area of 8,093 m² (2.0 ac) is permitted. The proposed surplus residence and accessory buildings are in compliance with all provisions of the RS Zone, except for the maximum lot area requirement. As previously noted, a lot area of 1.214 ha (3.0 ac) is proposed for the Surplus Dwelling Lot. As such, a site-specific “*Exception*” to the RS Zone is required to permit the proposed lot area of the Surplus Lot. The proposed lot area is appropriate as it will ensure that the existing “*use*” of the lot (single-detached dwelling and associated amenities) remain intact,

and does not occupy any lands currently used for agricultural purposes. As previously noted, LF Farms does not require any of the Surplus Lot for its agricultural operations.

Furthermore, conditions v. and vi. of Section 8.3.4 b) require that the retained agricultural lands will be placed in the Special Agricultural (A2) Zone for the purpose of prohibiting the construction of additional residential units.

As previously noted, the Special Agricultural (A2) Zone prohibits residential uses not existing on the date of the passing of the ZBL. Farm Lot A is already zoned A2-12, and does not require any further amendments. It is proposed that the A2-12 Zone extend into the portion of the Farm Lot B lands that are currently zoned A1 in order to ensure that no new residential uses are permitted.

The proposed Exception-RS and A2-12 Zones are appropriate zones for the surplus residence and the remnant (retained) lots. The proposed zones are consistent with the applicable PPS policies, the applicable Elgin County Official Plan policies and the applicable Dutton Dunwich Official Plan policies.

5.0 SUMMARY AND CONCLUSIONS

The purpose of this report is to demonstrate that consent applications proposing to create a new agricultural lot and a severance of a habitable residence surplus to the needs of a farm operation, together with an implementing Zoning By-law Amendment are consistent with the applicable PPS policies and conform to the applicable policies in the Elgin County Official Plan and the applicable policies in the Dutton Dunwich Official Plan.

The proposed lots are the result of a farm consolidation. The new agricultural lot (Farm Lot A) will be sold to LF Farms. The Surplus Lot containing the residence surplus to the needs of LF Farms includes the existing residence, accessory structures, the amenity area, and the private on-site sewage and water service and a contingency area for the private on-site sewage system. No agricultural land is being removed from production for the purpose of an agricultural use.

The proposed Surplus Lot has been in existence since 2003 and is well-maintained and aesthetically pleasing.

The proposed Surplus Lot area exceeds the permissions of the Special Rural Residential (RS) Zone and, as such, requires a site-specific Exception to the RS Zone. The proposed retained lots (Farm Lot A & Farm Lot B) will comply with the regulations in the Exception-Special Agricultural (A2-12) Zone. Both the proposed severed and retained lots have access to a maintained municipal road (Pioneer Drive). The existing on-site private servicing has functioned well over the years and is expected to continue to function over the long-term. Site conditions are suitable for the long-term provision of on-site private services.

The proposed severances and implementing Zoning By-law Amendment will not create land use compatibility issues, or adversely affect farming operations in the area. The proposed surplus residence lot complies with MDS1.

The proposed severances and proposed Zoning By-law Amendment are consistent with the applicable policies in the PPS and are in conformity with the applicable policies in the Elgin County Official Plan and the Dutton Dunwich Official Plan; do not create any unacceptable adverse impacts on surrounding uses; and represent sound land use planning principles.

APPENDIX

MDS CALCULATIONS & ANALYSIS



Pioneer Line (Dutton/Dunwich)

General information


Application date Sep 26, 2022	Municipal file number	Proposed application Lot creation for a residence surplus to a farming operation (i.e. surplus dwelling severance)
Applicant contact information David Durham 31556 Pioneer Line Dutton/Dunwich, ON	Location of subject lands County of Elgin Municipality of Dutton-Dunwich DUNWICH Concession 5 NORTH OF A , Lot 20 Roll number: 342900000510100	

Calculations

31681 Edinborough Line

Farm contact information 	Location of existing livestock facility or anaerobic digester	Total lot size		
ON	County of Elgin Municipality of Dutton-Dunwich DUNWICH Concession 5 NORTH OF A , Lot 21 Roll number: 342900000606400	18.1 ha		
Livestock/manure summary				
Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Swine, Feeders (27 - 136 kg), Deep Bedded	846	161.2 NU	1261 m ²
 Confirm Livestock/Manure Information (31681 Edinborough Line) The livestock/manure information has not been confirmed with the property owner and/or farm operator.				
Setback summary				
Existing manure storage	V1. Solid, inside, bedded pack			
Design capacity	161.2 NU			
Potential design capacity	300 NU			
Factor A (odour potential)	1.2	Factor B (design capacity)	463.8	
Factor D (manure type)	0.7	Factor E (encroaching land use)	1.1	
Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)				429 m (1407 ft)
Actual distance from livestock barn				631 m (2070 ft)
Storage base distance 'S' (minimum distance from manure storage)				429 m (1407 ft)
Actual distance from manure storage				631 m (2070 ft)

31963 Edinborough Line

Farm contact information 

ON

Location of existing livestock facility or anaerobic digester
 County of Elgin
 Municipality of Dutton-Dunwich
 DUNWICH
 Concession 5 NORTH OF A , Lot 22
 Roll number: 342900000606700

Total lot size
 37.6 ha

Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Horses, Large-framed, mature; > 680 kg (including unweaned offspring)	6	9.1 NU	193 m ²


**Confirm Livestock/Manure Information (31963 Edinborough Line)**

The livestock/manure information has not been confirmed with the property owner and/or farm operator.

Setback summary

Existing manure storage	V1. Solid, inside, bedded pack		
Design capacity	9.1 NU		
Potential design capacity	18.3 NU		
Factor A (odour potential)	0.7	Factor B (design capacity)	194.19
Factor D (manure type)	0.7	Factor E (encroaching land use)	1.1
Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)			105 m (344 ft)
Actual distance from livestock barn			951 m (3120 ft)
Storage base distance 'S' (minimum distance from manure storage)			105 m (344 ft)
Actual distance from manure storage			951 m (3120 ft)

11232 Willey Road

Farm contact information 

ON

Location of existing livestock facility or anaerobic digester
 County of Elgin
 Municipality of Dutton-Dunwich
 DUNWICH
 Concession 5 NORTH OF A , Lot 19
 Roll number: 342900000509800

Total lot size
 36.8 ha

Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Chickens, Broiler breeder growers (males/females transferred out to layer barn)	2723	9.1 NU	430 m ²

**Confirm Livestock/Manure Information (11232 Willey Road)**

The livestock/manure information has not been confirmed with the property owner and/or farm operator.

Setback summary

Existing manure storage	V1. Solid, inside, bedded pack		
Design capacity	9.1 NU		
Potential design capacity	18.2 NU		
Factor A (odour potential)	0.7	Factor B (design capacity)	193.86
Factor D (manure type)	0.7	Factor E (encroaching land use)	1.1
<hr/>			
Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)	105 m (344 ft)		
Actual distance from livestock barn	628 m (2061 ft)		
Storage base distance 'S' (minimum distance from manure storage)	105 m (344 ft)		
Actual distance from manure storage	628 m (2061 ft)		

31352 Pioneer Line

Farm contact information

ON

Location of existing livestock facility or anaerobic digester

County of Elgin
Municipality of Dutton-Dunwich
DUNWICH
Concession 5 NORTH OF A , Lot 20
Roll number: 342900000509900

Total lot size

0.7 ha

Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Donkeys, Jacks, jennies, mules, hinnies (includes unweaned foals)	10	5 NU	NA



Confirm Livestock/Manure Information (31352 Pioneer Line)

The livestock/manure information has not been confirmed with the property owner and/or farm operator.

Setback summary

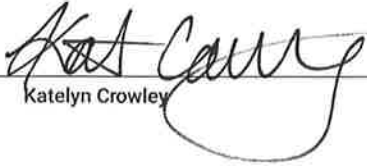
Existing manure storage	No storage required (manure is stored for less than 14 days)		
Design capacity	5 NU		
Potential design capacity	5 NU		
Factor A (odour potential)	0.7	Factor B (design capacity)	150
Factor D (manure type)	0.7	Factor E (encroaching land use)	1.1
<hr/>			
Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)	81 m (266 ft)		
Actual distance from livestock barn	117 m (385 ft)		
Storage base distance 'S' (minimum distance from manure storage)	No existing manure storage		
Actual distance from manure storage	NA		

Preparer signoff & disclaimer

Preparer contact information

Katelyn Crowley
Zelinka Priamo Ltd.
318 Wellington Road
London, ON
N6C 4P4
519-319-6092
katelyn.c@zpplan.com

Signature of preparer



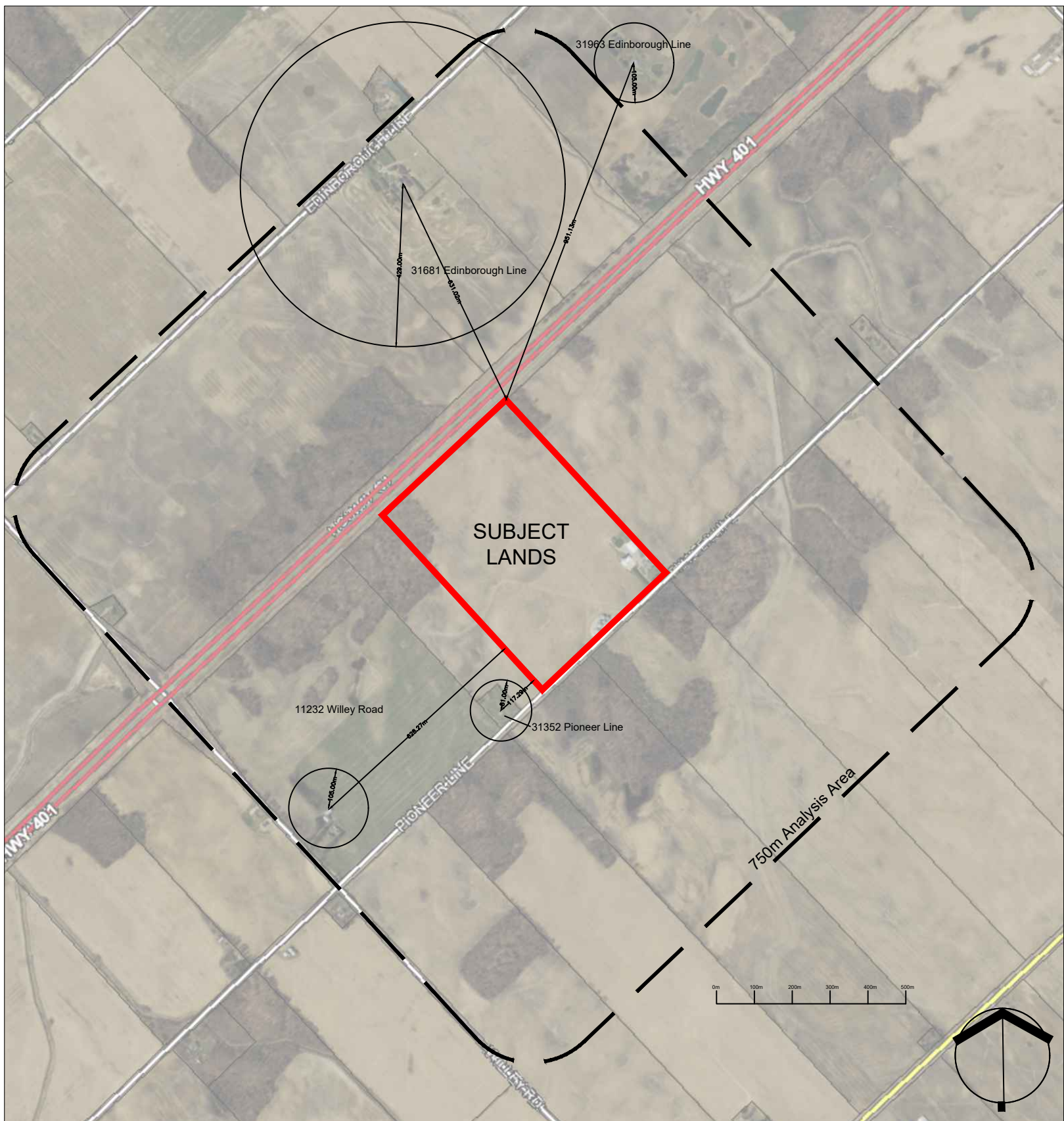
Katelyn Crowley

10/04/2022

Date (mmm-dd-yyyy)

Note to the user

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.



MDS MAP ANALYSIS

31556 Pioneer Line,
Dutton/Dunwich
County of Elgin

Legend

○ Area of influence based on MDS I Calculation



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References

Provincial Policy Statement (2020)

County of Elgin Official Plan (Consolidated Version) (February 2015)

Dutton Dunwich Official Plan (July 2021)

Dutton Dunwich Zoning By-law (May 2022)

The Minimum Distance Separation (MDS) Document – Publication 853 (March 2017)

Guidelines on Permitted Uses in Prime Agricultural Areas – Publication 851 (2016)

Streetcity Realty Brokerage (Site Photos)