

THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW NUMBER 69-75

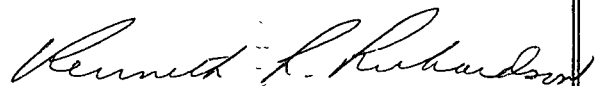
A By-law to amend the Official Plan
of the former Township of Chinguacousy
Planning Area.

The Council of the Corporation of the City of Brampton in
accordance with the provisions of the Planning Act (R.S.O.
1970, Chapter 349 as amended), and the Regional Municipality
of Peel Act, 1973, hereby enacts as follows:

1. Official Plan Amendment Number 69 to the Official Plan
of the former Township of Chinguacousy Planning Area,
consisting of the attached explanatory text is hereby
adopted.
2. The Clerk is hereby authorized and directed to make
application to the Minister of Housing for approval of
Amendment Number 69 to the Official Plan of the former
Township of Chinguacousy Planning Area.
3. This By-law shall come into force and take effect on the
day of the final passing thereof.

ENACTED and PASSED this 21st day of April, 1975.


James E. Archdekin, Mayor


Kenneth R. Richardson, Clerk

DUPLICATE ORIGINAL

W. 5072-5

AMENDMENT NUMBER 69
TO THE
OFFICIAL PLAN
OF THE FORMER
TOWNSHIP OF CHINGUACOUSY
PLANNING AREA

MISC. PLAN NO. 466

LOGGED IN THE REGISTRY OFFICE
FOR THE COUNTY OF PEEL

May 12, 1976 9:48 A.M.

Katherine Bayle
REGISTRAR OF ~~DEEDS~~, COUNTY OF PEEL

Deputy Land

JUDITH E. HENDY
City Solicitor
City of Brampton
24 Queen St. East
Brampton, Ontario
L6V 1A4

Amendment No. 69
to the Official Plan
of the former Township
of Chinguacousy Planning Area

This Amendment to the Official Plan of the former Township of Chinguacousy Planning Area, which has been adopted by the Council of the City of Brampton, is hereby modified under the provisions of Section 17 of The Planning Act, as follows:

1. PART A - PREAMBLE, Section 6.0 Effect is hereby modified by adding thereto the words "for those lands now in the City of Brampton."
2. PART B - THE AMENDMENT, is hereby modified by deleting the words "Toronto Gore" in the fourth line of the explanatory paragraph and replacing them with "Chinguacousy".
3. PART B - THE AMENDMENT, Section 1.0 General Goals is hereby deleted and replaced with the following:
"1.0 General Goals
 - 1.1 The preservation of good agricultural lands for farming and related uses, and more particularly, the preservation of agricultural lands identified by the Canada Land Inventory as having a class 1 to class 4 soil capability for agriculture.
 - 1.2 The prevention of conflicts between agricultural activities and non-agricultural activities.
 - 1.3 The preservation of the rural landscape.
 - 1.4 The protection of natural environment areas, including headwater areas, floodplains, river valleys, unique biological and geological sites, and areas of natural tree cover.
 - 1.5 The prevention of the pollution of ground and surface water.
 - 1.6 Protection of the prime objective of the Regional and Local road system, which is the movement of vehicles with a minimum of obstruction and danger.
 - 1.7 To permit only those severances which conform, as far as is possible, with the above goals."
4. PART B - THE AMENDMENT, Section 2.2 is hereby modified by adding thereto the word "goals".

5. PART B - THE AMENDMENT, Section 2.7 is hereby modified by inserting "Ministry of Natural Resources and the" before the words "Conservation Authority" in the second line.
6. PART B - THE AMENDMENT, Section 2.8 is hereby deleted and replaced with the following:
"2.8 That the Land Division Committee be responsible for notifying all concerned Municipal, Regional and Provincial agencies of severance applications and ensuring that these agencies are provided with an opportunity to comment on the same."
7. PART B - THE AMENDMENT, Section 2.9 is hereby modified by inserting the word "public" between "minor" and "roads" in the fourth line.
8. PART B - THE AMENDMENT, Section 2.9 is hereby modified by inserting the word "Provincial" before "Highway" in the fifth line.
9. PART B - THE AMENDMENT, Section 2.9 is hereby modified by deleting the word "and" in the ninth line and inserting "and/or the Ministry of Transportation and Communications where applicable" following "Public Works" in the tenth line.
10. PART B - THE AMENDMENT, Section 2.10 is hereby modified by inserting the word "Provincial" before "Highway" in the sixth line.
11. PART B - THE AMENDMENT, Section 2.0 General Policies is hereby modified by adding thereto the following subsection:
"2.12 Where livestock operations, as defined by the Agricultural Code of Practice, are practised or are to be practised, the location of residential uses or such new agricultural uses shall be guided by the provisions of the 'Agricultural Code of Practice for Ontario'."
12. PART B - THE AMENDMENT, Section 3.1 is hereby modified by adding thereto the following:
"Where a 100 acre original farm lot qualifies for a severance in accordance with the goals and policies of this Amendment, and where the future use of the land proposed for severance is stated as being residential, it is intended that the severance will be considered only where it is clearly demonstrated that the proposed residential use is to be created for the benefit of a bona-fide farm employee, a bona-fide retiring


farmer, a bona-fide intra-farm family sale, or for a person engaged in a rural-based activity, supportive to the principal rural activity being agriculture. In all such cases, it shall be the responsibility of the grantee to demonstrate to the satisfaction of the Land Division Committee that the proposed severance will benefit a bona-fide farm employee, bona-fide retiring farmer, a bona-fide intra-farm family sale, or a person engaged in a rural-based activity supportive to the principal activity being agriculture, where the grantee intends permanent residence on the lot."

13. PART B - THE AMENDMENT, Section 3.5 is hereby modified by adding thereto "or where it is clearly demonstrated that the land is of a low agricultural capability and is not part of an existing, viable farm operation."
14. PART B - THE AMENDMENT, Section 5.0 Implementation is hereby modified by adding thereto "for those lands in the City of Brampton."

As thus modified, this Amendment is hereby approved pursuant to Section 17 of The Planning Act, as Amendment No. 69 to the Official Plan of the former Township of Chinguacousy Planning Area, now part of the City of Brampton.

Date

April 15/76



G. M. FARROW, Executive Director
Plans Administration Division
Ministry of Housing

OFFICIAL PLAN
OF THE FORMER
TOWNSHIP OF CHINGUACOUSY PLANNING AREA
AMENDMENT NUMBER 69

The attached explanatory text shall constitute Official Plan Amendment Number 69 to the former Township of Chinguacousy Planning Area. The Amendment was prepared and adopted by the Council of the City of Brampton in accordance with Section 54(4) of the Regional Municipality of Peel Act, 1973, and Sections 13, 14 and 17 of the Planning Act (R.S.O. 1970, Chapter 349 as amended) on the

21st day of April, 1975

James E. Archiblin
Mayor

Kenneth Richardson
Clerk

THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW NUMBER 69-75

A by-law to Amend the Official Plan of the former Township of Chinguacousy Planning Area.

The Council of the Corporation of the City of Brampton in accordance with the provisions of the Planning Act (R.S.O. 1970, Chapter 349 as amended), and the Regional Municipality of Peel Act, 1973, hereby enacts as follows:

1. Official Plan Amendment Number 69 to the Official Plan of the former Township of Chinguacousy Planning Area, consisting of the attached explanatory text is hereby adopted.
2. The Clerk is hereby authorized and directed to make application to the Minister of Housing for approval of Amendment Number 69 to the Official Plan of the former Township of Chinguacousy Planning Area.
3. This By-law shall come into force and take effect on the day of the final passing thereof.

Enacted and passed this 21st day of April, 1975


Mayor


Clerk

AMENDMENT NUMBER 69
TO THE OFFICIAL PLAN
OF THE FORMER
TOWNSHIP OF CHINGUACOUSY
PLANNING AREA

PART A - PREAMBLE

1.0 Title

The title of this Amendment is Amendment Number 69 to the Official Plan of the former Township of Chinguacousy Planning Area, hereafter referred to as Amendment Number 69.

2.0 Relative Parts

Part B only of this Amendment constitutes Amendment Number 69. Part A - Preamble, and Part C - Appendices, are included only to provide background for Part B, and should not themselves be construed as a statement of policy.

Part B, the operative portion of the Amendment is organized into five sections, as follows:

Section 1.0 - General Goals

Section 2.0 - General Policies

Section 3.0 - Consent Policies for Rural Areas - Outside of Villages/Hamlets.

Section 4.0 - Interpretation

Section 5.0 - Implementation

3.0 Location

This Amendment is concerned with lands now situated within the City of Brampton, Region of Peel and which constituted the former Township of Chinguacousy.

4.0 Purpose

The purpose of this Amendment is to amend the existing land severance policies of the Official Plan of the former Township of Chinguacousy Planning Area, in concert with similar Amendments to the Official Plans of the former Town

of Mississauga and Township of Toronto Gore. These three Amendments will establish one, consistent consent policy within the City of Brampton to guide the decisions of the Land Division Committee with respect to land severances in rural and agricultural areas.

5.0 Background

The Regional Municipality of Peel adopted on October 10, 1974 policies that were intended to apply equally to all rural and agricultural areas of the Region.

In light of the fact that the Region does not have at this time an Official Plan which would incorporate the policies contained in this Amendment, it was recommended by the Region, that these policies could be most easily implemented by amending the Official Plans of each of the area municipalities.

On this basis the Region of Peel Planning Committee sponsored a public meeting on February 6, 1975, on behalf of the area municipalities.

The need for a uniform consent policy for the whole of the City of Brampton is obvious due to the amalgamation of former municipalities and the necessity of overcoming differences between policies in various existing Official Plans. These inconsistencies in existing Official Plans have contributed to the creation by severance of lots of excessive size (10-25 acres), which are intended only for residential use, and also the piecemeal subdivision of rural, agricultural lands by severances. The policies contained in this Amendment are designed to discourage severances for residential purposes outside of recognized village and hamlet areas. However, these policies alone will not preclude opportunities for country living due to the large number of rural residential estate developments already approved and/or being developed. In addition, the infilling of villages and hamlets together with the rounding out of larger communities will provide many residences in a country setting.

6.0 Effect

The effect of this Amendment will be to supersede Official Plan Amendments Numbered 12, 14, and 15 to the Official Plan of the former Township of Chinguacousy Planning Area.

MC [unclear] TION
NO /
UNDER [unclear] OF
THE PLANNING ACT

PART B - THE AMENDMENT

The whole of the part of the document entitled Part B - The Amendment, which consists of the following text, constitutes Amendment Number 69 to the Official Plan of the former Township of ~~Toronto-Gore~~ Planning Area.

MODIFICATION

NO 2

1.0 General Goals

UNDER SECTION 14(1) OF THE PLANNING ACT

The policies set out in the Amendment are based upon the following broad general goals:

1.1 The preservation of good agricultural lands for farming and the prevention of conflicts between agricultural and surrounding non-agricultural uses.

1.2 The preservation of the rural landscape.

MODIFICATION

1.3 The protection of natural environment areas.

NO 3

1.4 The prevention of pollution of ground and surface water.

UNDER SECTION 14(1) OF THE PLANNING ACT

1.5 Protection of the prime objective of the Regional and Local Road System, which is the movement of vehicles with a minimum of obstruction and danger.

1.6 To permit only those severances which conform, as far as is possible, with the above goals.

2.0 General Policies

In considering all severances, it shall be the policy of the Municipality:

2.1 To discourage development in rural areas except as infilling in villages or hamlets, preferably where community facilities such as schools, shops, churches, community and social centres are located. The existing villages or hamlets recognized under this portion of the Amendment shall only include Huttonville and Snelgrove. The expansion of villages or hamlets by more than three lots at any one time will be by plan of subdivision only.

2.2 That a consent may be considered where a use, by reason of its nature or location, would not destroy or appreciably reduce the scenic quality of attractive rural areas or conflict with the agricultural function of surrounding areas. The Land Division Committee shall consider the appropriateness of the site for all proposed non-farm residential severances in light of the above.

MODIFICATION

NO

UNDER SECTION 14(1) OF THE PLANNING ACT

2.3 If a septic tank is required, evidence should be produced from the Medical Officer of Health, before the severance is granted, that the lot is of adequate size and soil conditions are suitable for the operation of a septic tank, and a well, if no public water supply is available.

2.4 That the size of any parcel created by a severance should be appropriate to the use proposed. Where any residential severances are granted on good agricultural land they should generally be no larger than 2.0 acres in size. The creation of larger lots on land which is non-arable may be considered.

2.5 When a severance is granted for a parcel of land to be used for residential purposes, the frontage shall be equal to approximately one-half the depth.

2.6 Wherever possible, adjoining residential lots should have approximately uniform lot depth and shape.

2.7 That the topography, soil and drainage of the site are satisfactory to the Conservation Authority for the size of the lot and uses proposed, and where applicable, that the consent is in accordance with the objectives and policies of the Conservation Authority as to flood control, open space and hazard land policies.

2.8 That all municipal agencies affected, as determined from time to time, be notified of severance applications.

NOTE:

Current practice is to invite comments from the Medical Officer of Health and the Conservation Authorities. See also Appendix "B" for the list of agencies to which severance applications are currently circulated for comment.

2.9 Ribbon development along highways or major roads should be prevented, with direct access from these roads being restricted. Lots created by consent should, where possible, have access only from minor roads to which adequate year round access is

MODIFICATION

NO 7

UNDER SECTION 14(1) OF THE PLANNING ACT

MODIFICATION
NO 5
UNDER SECTION 14(1) OF THE PLANNING ACT

MODIFICATION

NO 6

UNDER SECTION 14(1) OF THE PLANNING ACT

available. Where a severance is granted on a Highway, Regional Road or Local Road access to it should be limited by a one foot reserve along the road frontage, to no more than one driveway. The comments of Municipal Departments of Planning and Engineering, and the Regional Departments of Planning and Public Works should be obtained as to the adequacy fo the sight lines in the vicinity of the application and as to whether road widenings are required.

MODIFICATION
NO 8

UNDER SECTION 14(1) OF
THE PLANNING ACT

2.10 To ensure that vehicles are able to enter a roadway in a forward direction, in order to protect future right-of-way needs and in order to protect the amenities of the proposed residential use, buildings to be erected on severed lots shall be set back not less than 100 feet from the boundary of any Highway or Regional Road right-of-way and not less than 80 feet from the boundary of any other road right-of-way.

MODIFICATION
NO 9

UNDER SECTION 14(1) OF
THE PLANNING ACT

2.11 Severance applications located within recognized villages or hamlets may be granted as infilling, provided that the Land Division Committee is satisfied that it is genuine infilling between existing developed lots, and a plan of subdivision is not necessary for the proper and orderly development of the area.

MODIFICATION
NO 10

UNDER SECTION 14(1) OF
THE PLANNING ACT

3.0 CONSENT POLICIES FOR RURAL AREAS - OUTSIDE OF VILLAGES/HAMLETS.

If the proposed severance is located in a rural area, (that is outside of the recognized village (s) or hamlet (s) areas), and is consistent with the stated general policies, the following policies shall apply:

MODIFICATION
NO 11

UNDER SECTION 14(1) OF
THE PLANNING ACT

3.1 Generally, to allow not more than two severances per 100 acre original farm lot at least until such time as the Municipalities' Official Plan is reviewed. If one severance has already been granted since the original land grant, one additional severance would be permitted. If two severances have already been granted since the original land grant, no additional severances would be permitted.

MODIFICATION

NO 12

UNDER SECTION 14(1) OF
THE PLANNING ACT

NOTE:

Sub-section 3.1 shall not be construed to prohibit the erection without severance of an additional house or houses on a genuine operating farm to accommodate related or unrelated farm help, if permitted by restricted area by-law.

3.2 Where a new parcel for residential purposes is to be created in an agricultural area, it should, wherever possible, be so located relative to the agricultural remainder that it does not interfere with the agricultural use.

3.3 To discourage short term land speculation severances for non-agricultural use may be permitted only when the applicant has been the registered owner of the parcel concerned for at least five years prior to the date of application for the severance - this period of time being subject to review by Council at such time as the Official Plan may be reviewed.

3.4 Notwithstanding Clauses 3.1 and 3.2 when two or more farms are amalgamated and an existing house becomes surplus to the need of the farmer, this house may be severed by consent.

3.5 Notwithstanding Clause 3.1, a consent may be favourably considered for a parcel of land which is physically separated from the main holdings by a significant natural feature, such as the Credit River or by a significant man-made public feature.

3.6 Rural non-farm residential lots must be designed to ensure that countryside characteristics will prevail in the future.

4.0 Interpretation

The provisions of the Official Plan, as amended from time to time, regarding the interpretation of the Plan, shall apply in regard to this Amendment.

Further, it is intended that this Amendment be recognized as an interim statement of policy, to be effective until such time as a comprehensive Official Plan Amendment can be prepared which will deal with concerns of the rural area of the City of Brampton.

MODIFICATION

NO. 13

UNDER SECTION 14(1) OF

THE PLANNING ACT

5.0 Implementation

This Amendment shall be implemented by:

- (a) Decisions of the Land Division Committee.
- (b) Decisions of the Ontario Municipal Board.
- (c) Approval of Restricted Area By-laws.
- (d) Approval of Amendments to Restricted Area By-laws.
- (e) Official Plan Amendments.

Further to the above, it is the intention of the municipality to amend the Township of Chinguacousy Restricted Area By-law Number 861, as amended, so as to implement the policy provisions of this Amendment.

MODIFICATION

NO. 14

UNDER SECTION 14(1) OF
THE PLANNING ACT

PART C - APPENDICIES

Appendix 'A' is a resolution of the Council of the Regional Municipality of Peel, dated October 10, 1974.

Appendix 'B' is a copy of a report submitted to the Region of Peel Planning Committee by the Commissioner of Planning, dated October 3, 1974.

These appendicies will provide the explanatory data and analysis pertaining to this Official Plan Amendment.

Appendix 'C' is a copy of minutes of a Public Meeting held on February 6, 1975, on behalf of the area municipalities in connection with this Amendment.

APPENDIX "A"

On October 10, 1974, Council of the Regional Municipality of Peel approved the following recommendation (74-415-26):

- "That the land division policy recommended by the Planning Committee be adopted by the Region;
And further, that the City of Brampton and the Town of Caledon be requested to incorporate the policy in their various Official Plans."

PLANNING DEPARTMENT

October 3, 1974

The Chairman and Members
of the Planning Committee.

Re: LAND DIVISION POLICIES FOR RURAL AREAS

ORIGIN:

The Regional Chairman and the Regional Planning Committee have both requested the Planning Department to draft land Division Policies for consideration by the Planning Committee and Council.

BACKGROUND:

The Planning Act provides for the subdivision of land by registered plans of subdivision, or by consent of the Land Division Committee when a plan of subdivision is not required. In its consideration of such an application, the Act requires the Land Division Committee to 'have regard to' a variety of matters (see Appendix I), including whether or not the severance conforms to the Official Plan, and whether it is in the public interest. Thus, while the Land Division Committee decisions can have a considerable impact on the control of growth throughout the Region, particularly in rural areas, it should be guided in its decisions by municipal and Regional policies.

Regional Planning Staff currently examine and comment on severance applications. However, the lack of established Regional policies, and significant differences between the policies in the Official Plans of the former Townships, combine to create uncertainty and difficulty in knowing what policy to apply and how to apply it. Also the differences between the policies in the various Township Official Plans are inequitable for the rural property owners by creating a variety of standards for various parts of rural Peel. Thus, consistent Regional policies are needed to guide the Committee until adoption and/or approval of the Regional Official Plan, which will contain severance policies, and/or review of the Area Municipalities' Official Plans. (see Appendix II: Summary of Townships' Official Plan policies).

The orderly infilling of vacant areas in urban areas can be positively assisted by severances which subdivide the land into parcels of a size appropriate to conform to existing adjacent development. It is in rural areas, where severances are often seen as a method of subdividing which avoids the evaluation and controls which apply to plans of subdivision, that the negative aspects of severances are often critical. The short term implications of individual severances are seldom acknowledged to be detrimental to the municipality, the surrounding landowners, and the agricultural economy. But the total number of severances granted over a period of years can have a serious effect. The Peel Federation of Agriculture has already pointed out the need to preserve agricultural land, and the following census statistics indicate the extent of reduction in viable agriculture that is occurring.

	1961	1971	Change
Farm land in Peel	207,000 ac.	163,600 ac.	- 21%
Number of farms	1,577	1,102	- 30%
Average size of farms	132 ac.	148 ac.	+ 12%
Livestock: Cattle - non dairy	31,160	28,912	- 7%
Milk & Dairy	16,000	10,350	- 35%
Pigs	19,060	18,027	- 5%
Total	66,220	57,289	- 13%
Investment per farm:			
Land & Building	\$ 49,347.	\$144,874.	+194%
Other	\$ 12,602.	21,621.	+ 72%
Total	\$ 61,949.	\$166,495.	+169%
Average farm receipts	\$ 10,587.	\$ 22,613.	+114%

The table on p. 3 illustrates that in the seven years from 1967 to 1973, a total of 2118 severances were granted in the four predominantly rural townships, which is an average of over 300 per year. Since the Regional Land Division Committee was established (1974) the rate of severance approvals appears to have been slowed from a monthly average of 25 to a monthly average of 16 in these four former townships. At the same time, the rate of refusals has increased from an average of 15% of the applications to 42% of 1974 applications in these four townships, although an increase in refusals had started in 1973 when 29% of all applications were refused. It is desirable that this more careful approach be reinforced by consistent and public Regional policies.

SEVERANCES 1967 - 1974

	1967		1968		1969		1970		1971		1972		1973		TOTAL		1974 (to May)	
	APPR.	REF.	APPR.	REF.	APPR.	REF.	APPR.	REF.	APPR.	REF.	APPR.	REF.	APPR.	REF.	APPR.	REF.	APPR.	REF.
ALBION	51	3	114	13	178	24	74	28	85	18	115	20	192	64	809	170		
CALEDON	37	0	43	0	59	0	142	0	27	0	32	4	54	21	294	25		
CHINGUACOUSY	132	6	127	16	159	23	96	22	104	22	112	28	82	75	812	192		
TORONTO GORE	17	0	16	2	42	0	9	5	18	2	22	1	79	5	203	15		
TOTAL	237	9	300	31	438	47	221	55	234	42	281	53	407	165	2118	402	80	57

Notes:

- (1) These statistics do not include the applications for lease agreements from 1968 - 1973.
- (2) "APPR": Number of severances approved
- (3) "REF" : Number of severances refused

Examination of 1974 approvals to May indicates that of all rural severances approved, 52% were for parcels of 1 acre or less and a further 12% for parcels of between 1 and 2 acres, so that 64% of all severances had an average size of 0.9 acres (i.e. 52 severances involving 46 acres). A further 6% of severances were for parcels of 70 to 100 acres (i.e. 5 severances involving 437 acres for an average size of 87 acres). These latter can readily be accepted as a legitimate size for agricultural use. The remaining 30% of severances were for parcels of over 2 but less than 50 acres, (24 severances involving 417 acres for an average size of 17.4 acres). Thus from January to May 1974, we see almost one third of the severances granted were for parcels which are unnecessarily large for residences but whose size is suspect for agriculture, and accounting for over 417 acres. On the average this is 18 times as much land per severance as is the case for obviously residential severances.

Since 70% of Peel is classified as Class I Agricultural Land, (see map) and since the agricultural sector has urged protection of this farmland, and since a significant amount of land is converted to non-agricultural uses after severance, the Regional severance policies should reflect the objective of preserving agricultural land.

However, many farmers appear to count on being able to sell all or part of their holdings, at some future time, for non-agricultural uses which are willing to pay a premium price for the land. At the same time, many people working in the nearby towns and cities aspire to country 'estate' holdings in preference to urban life. As a result, some farmers count on a cash return for this land, while the commuter seeks more for his money than he can get in the city, plus a different style of life. Thus, there is a conflict here between the need to protect the land on the one hand and pressure for the piecemeal subdivision of that same land on the other hand. This conflict cannot be resolved to the complete satisfaction of everyone and no matter what severance policies are adopted, they are unlikely to gain unanimous support.

At this point, it may be useful to examine some of the main areas of concern relating to severances in rural areas.

1. AGRICULTURAL IMPLICATIONS:

- a) The reduction of prime land in agricultural use. If the 1967-1973 average of 300 severances per year had continued Peel would be losing approximately 1700-1800 acres per year (three square miles) from agriculture. Of this land, as much as 90% could have been expected to be in 2 to 50 acre parcels, and almost half in 2 to 25 acre parcels.
- b) The increase in the number of rural residential lots increases the value of agricultural land, thereby causing greater difficulty for those people wanting to start a new farm operation and also leads to rising taxes for existing farmers. From 1961 to 1971, the real property value of the average Peel farm rose by 194% while average farm receipts in Peel rose by 114% and the Canadian cost of living index rose by 30%. Under market value assessment, and if the above trends continue, in Peel the assessed value of farms would be rising almost twice as fast as farm receipts and six and one half times as fast as the general cost of living.
- c) The rapidly increasing land values are partly due to land use speculation, and in turn encourage more speculation. The rise in land costs is related to its nearness to a booming metropolitan area, but it is also related to an expectation that the land can be readily developed for urban oriented purposes. Policies to control severances can reduce this expectation and thus make the land less attractive for pure speculation. (The 1971 Census indicates that average farm land and building values in Peel increased from \$49,347.00 in 1961 to \$144,874.00 in 1971).
- d) The creation of conflicts between different land uses, the most obvious being between intensive agricultural uses and residential uses.
- e) The division of economically viable agricultural units contributes to farm abandonment with resultant weed propagation, causing problems for adjoining farmers. The major impact here comes from lots which are larger than is strictly needed for residential purposes but too small for economic full time farming (i.e. generally in the 5-50 acre range, albeit with very occasional exceptions).

2. TRANSPORTATION IMPLICATIONS:

- a) The increasing number of access points onto both Regional and Township roads cause a breakdown in their function as major arterials, which in turn can require speed limitations and special drainage considerations, and contribute to traffic hazards.
- b) Rural residential development encourages urban workers to reside in the rural countryside, thereby resulting in long distance commuting and increased road construction and maintenance costs, and leading to demands for public transportation service to adjacent urban areas

3. POLLUTION AND SCENIC PROBLEMS:

- a) As rural development is generally on septic tanks and individual wells, over an extended period of time these can contribute to pollution of ground and surface waters. The corrective measures required can be quite expensive and usually have to be paid for by the public and thus the Medical Officer of Health already comments on site conditions related to septic tank requirements, and a certificate is required from the Ministry of Environment.
- b) The increasing urban development in the countryside is changing the rural nature of the landscape and can destroy its character by creating strips of houses and vacant residential parcels along many country roads. This is particularly obvious where the location and design of the houses does not respect or suit a specific rural location.

4. MUNICIPAL AND PLANNING PROBLEMS:

- a) The creation of residential lots leads to ribbon or strip development, with the impression of travelling through the outer fringes of an urban area, and creates difficulties if development of the interior lands behind these parcels is later permitted.
- b) Haphazard and ribbon development increases the cost of servicing due to the extensive area covered and still lacks many of the amenities found in urban areas. Increased costs to the taxpayer result from increasing demands for better rural services, such as pressure for the extension of piped services, garbage disposal, snow clearance, mail delivery, police and fire protection and other services received in urban areas.
- c) The increase in traffic is accompanied by an increase in road maintenance which involves expensive improvements, reconstruction and paving.
- d) The greater number of school age children in the rural area leads to a demand for more school buses and increased tax costs for all taxpayers. If these families were located in communities with existing schools, this would not be the case.

5. MAGNITUDE OF PROBLEM:

The number of vacant lots which have been created by severance in the Peel Region is not known. If all vacant lots were built on, in a short period of time, there could be a substantial rise in rural non-farm population in the rural areas. This uncertainty makes a mockery of budgeting for capital works, such as schools and the other services which may, or may not, be expected by a largely urban oriented commuter population. (It might be noted that the Province has guesstimated that there may be as many as 100,000 vacant rural lots in the Toronto Centred Region, i.e. a potential for a third of a million people).

6. GOALS:

Before determining any policy pertaining to land severances within the Region, it is necessary to formulate broad, general goals to serve as a framework within which the policies can be considered.

The following are the goals to which the policies are related:-

1. The preservation of good agricultural lands for farming and the prevention of conflicts between agricultural and adjoining uses, so as to maintain the greatest benefit for the Region and its citizens, both now and in the future.
2. The preservation of the rural landscape.
3. The prevention of pollution of ground and surface water.
4. Protection of the prime objective of the Regional Road System, which is the movement of vehicles with a minimum of obstruction and danger.
5. To permit only those severances which conform, as far as is possible, with the above goals.

7. GENERAL POLICIES:

In considering all severances, it shall be the policy of the Regional Municipality:-

1. To discourage development in rural areas except as infilling in villages or hamlets, preferably where community facilities such as schools, shops, churches, community and social centres are located. The expansion of hamlets and villages by more than three lots should in all cases be by plan of subdivision.
2. That a consent may be considered where a use, by reason of its nature or location, would not destroy or appreciably reduce the scenic quality of attractive rural areas and that the Land Division Committee shall consider the appropriateness of the site for all proposed non-farm residential severances.
3. If a septic tank permit is required, evidence should be produced from the Medical Officer of Health, before the severance is granted, that the lot is of adequate size and soil conditions are suitable for the operation of a septic tank, and a well if no public water supply is available.
4. That the size of any parcel created by a severance should be appropriate to the use proposed. Where any residential severances are granted on good agricultural land they should generally be no larger than 2 1/2 acres in size. The creation of larger lots on land which is non-arable may be considered.

5. When a severance is granted for a parcel of land to be used for residential purposes, the frontage shall be equal to approximately one-half the depth.
6. Wherever possible, adjoining residential lots should have approximately uniform lot depth and shape.
7. That the topography, soil and drainage of the site are satisfactory to the Conservation Authority for the size of the lot and uses proposed, and where applicable, that the consent is in accordance with the objectives and policies of the Conservation Authority as to flood control, open space and hazard land policies.

8. For those applications located within the Niagara Escarpment Planning Area, the comments of the Niagara Escarpment Commission should be obtained.

9. That all municipal agencies affected, as determined from time to time, be notified of severance applications.

NOTE: Current practice is to invite comments from the Medical Officer of Health, Conservation Authorities and Niagara Escarpment Commission. See also Appendix III for the list of agencies to which severance applications are currently circulated for comment.

10. Ribbon development along highways or major roads should be prevented, with direct access from these roads being restricted. Lots created by consent should, where possible, have access only from minor roads to which adequate year-round access is available. Where a severance is granted on a Highway or Regional Road, access to it should be limited by a 1' reserve along the road frontage, to no more than one driveway. The comments of the Regional Departments of Planning and Public Works should be obtained as to the adequacy of the sight lines in the vicinity of the application and as to whether road widenings are required.

11. To ensure that vehicles are able to enter a roadway in a forward direction, and in order to protect future right-of-way needs, buildings to be erected on severed lots shall be set back not less than 100 feet from the centre line of any Highway or Regional Road right-of-way and not less than 80 feet from the centre line of any other road.

12. Severance applications located within a recognized village or hamlet may be granted as infilling, provided that the Land Division Committee is satisfied that it is genuine infilling between existing developed lots.

8. SEVERANCES FOR BUILDING LOTS IN RURAL AREAS OUTSIDE OF VILLAGES

AND HAMLETS:

If the proposed severance is located in a rural area outside of the recognized villages or hamlets, and is consistent with the stated general policies, the following policies shall apply:

1. Generally, to allow not more than two severances per 100 acre original farm lot at least until such time as the Regional Official Plan is approved, and/or the area municipalities' Official Plans are reviewed. If one severance has already been granted since the original land grant, one additional severance would be permitted. If two severances have already been granted since the original land grant, no additional severances would be permitted.

NOTE: Section 8.1 shall not be construed to prohibit the erection without severance of an additional house or houses on a genuine operating farm to accommodate related or unrelated farm help.

2. Where a new parcel for residential purposes is created in an agricultural area, it should, wherever possible, be so located relative to the agricultural remainder that it does not interfere with the agricultural use.
3. To discourage short term land speculation by permitting severances for non-agricultural use only when the applicant has been the registered owner of the parcel concerned for at least five years prior to the date of application for the severance - this period being subject to review by Regional Council at such time as the Regional Plan is ready for adoption.
4. Notwithstanding clauses 8.1 and 8.2 when two or more farms are amalgamated and an existing house becomes surplus to the need of the farmer, this house may be severed by consent.
5. Notwithstanding clause 8.1, a consent may be favourably considered for a parcel of land which is physically separated from the main holdings by a significant natural feature, such as the Niagara Escarpment or the Credit River, or by a significant man-made public feature.
6. Rural non-farm residential lots must be designed to ensure that the country characteristics will prevail in the future.

IMPLEMENTATION:

The specific existing Official Plan policies quoted in Appendix II relate to Caledon, Albion and Chinguacousy Townships. It should be noted, however, that the policies which have been drafted should apply equally to rural land in the new Cities of Brampton and Mississauga, as well as the new Town of Caledon.

If the above policies are adopted by Regional Council, whether as set out or subject to revisions, two questions still remain to be resolved, namely, the timing and legal status of the policy.

A Regional severance policy could be adopted as interim policy measure pending completion, adoption and/or approval of a Regional Official Plan, containing severance policies which would supercede the interim policies. Unfortunately, interim policies are often regarded as temporary expedients with little real need to be fully implemented. A much clearer and perhaps more desirable course might be to adopt policies now for later incorporation in total into the Regional Official Plan, subject only to such amendments as are felt to be necessary or desirable on the basis of experience in implementing the policy over the next two years. This would reinforce its application during this time.

The Land Division Committee may face a problem regarding the legal status of any Regional severance policy. The Planning Act states that a Land Division Committee 'shall have regard to' certain matters, one of which is conformity of the severance 'to the Official Plan'. Policy statements, other than those contained in an Official Plan, are not mentioned in this section of the Act. Thus there is a question of whether the Regional policy can have any legitimate influence on the Committee's decisions, since the rural areas of the Region are already subject to the policies contained in a variety of Official Plans. Bill 138 states clearly that when once the Regional Official Plan is approved by the Minister, the Official Plans and Zoning By-Laws of the Area Municipalities must be amended forthwith to conform with the Regional Official Plan. One possible way to avoid or resolve this potential conflict and uncertainty would be for Regional Council to handle its consideration and adoption of the severance policy as if it were an Official Plan. In the event that the policy is generally acceptable to the three Area Municipalities and Regional Council, it could then be submitted to the Minister for approval as the first policy-statement of the Regional Official Plan, to apply in the consideration of all rural severance applications in Peel.

SUMMARY:

The land severance policy recommended in this report is restrictive and is designed to limit the number of severances for residential purposes outside of villages and hamlets. However, this policy alone does not remove the opportunity of country living for many families due to the large number of residential estate developments already

approved and/or be developed. In addition, the infilling of villages and hamlets together with the rounding out of larger communities such as Caledon East and Bolton provide many homes in a country setting.

RECOMMENDATIONS:

1. That the above land severance policy be adopted in principle as Regional policy and forwarded to the three Area Municipalities; the Land Division Committee; the Credit Valley and Metro Toronto and Region Conservation Authorities; the Niagara Escarpment Commission and any other interested groups or individuals for their consideration;
2. That the policy be advertised in the local press and discussed at a public meeting or meetings of interested agencies, groups and individuals and representatives of the Regional Planning Committee, Land Division Committee and staff;
3. That upon receipt of comments from the above municipalities, agencies, groups and individuals, and to recognize valid comments and recommendations made at the public meeting(s), the policy be revised if necessary;
4. That the revised policy, if adopted by Regional Council, be submitted to the Minister for approval as the first policy statement of the Official Plan of the Regional Municipality of Peel;
5. That upon approval of the Regional Land Division Policies for Rural Areas by the Minister, the existing area municipal Official Plans be amended to conform;
6. That the Niagara Escarpment Commission severance policy, when it has been formally adopted, will prevail in the Niagara Escarpment Commission Planning Area within the Region, but that this Regional policy shall prevail in the remainder of the Regional Municipality of Peel.

Peter E. Allen

Peter E. Allen
Commissioner of Planning

MRM/SB

/bc

The following are sections from the Planning Act pertaining to matters to be considered in determining consent conditions:

Section 29 (12)

A committee of adjustment, a land division committee and the Minister, in determining whether a consent is to be given shall have regard to the matters that are to be had regard to under subsection 4 of section 33 and have the same powers with respect to a consent as the Minister has with respect to an approval of a plan of subdivision under subsections 5 and 8 of section 33, and shall require that all conditions imposed be fulfilled prior to the granting of a consent.

Section 33 - (4)

In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the future inhabitants and to the following:

- (a) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (b) whether the proposed subdivision is premature or necessary in the public interest;
- (c) the suitability of the land for the purpose for which it is to be subdivided;
- (d) the number, width, location and proposed grades and elevations of highways, and the adequacy thereof, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity, and the adequacy thereof;
- (e) the dimensions and shape of the lot;
- (f) the restrictions or proposed restrictions, if any, on the land, buildings and structures proposed to be erected thereon and the restrictions, if any, on adjoining lands;
- (g) conservation of natural resources and flood control;
- (h) the adequacy of utilities and municipal services;
- (i) adequacy of school sites;
- (j) the area of land, if any, within the subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes.

APPENDIX II: SUMMARY OF TOWNSHIPS' OFFICIAL PLAN POLICIES

The Official Plans for three of the original rural Townships (Caledon, Albion and Chinguacousy) which now form much of the rural part of the Region, all permit consents for small residential lots. The consent policies all list similar criteria aimed at limiting the severance of parcels for non-agricultural lots in rural areas. The following statements appear in the Official Plans for Caledon, Albion and Chinguacousy.

"Consents will generally be discouraged and will only be granted on land which is affected by an area of subdivision control By-Law when it is clearly not necessary in the public interest that a plan of subdivision be registered. If a plan

of subdivision is not deemed necessary, regard shall be had

to other policies in the Official Plan and to the following

criteria when considering an application for consent.

1. The preservation of good agricultural land for agricultural purposes.
2. The prevention of scattered isolated residential development throughout the Township.
3. Ribbon residential or other development along major roads should be prevented. Direct access from major roads should be restricted and residential lots should, where possible, have access from local streets.
4. Consents should be granted only when it has been established that soil and drainage conditions are suitable to permit the proper siting of buildings to obtain a sufficient and potable water supply and to permit disposal of sewage by septic tank,

said septic tank system to be satisfactory to the County Medical Officer of Health.

5. Consents should be given only when land fronts on an existing public road which is of reasonable standard of construction and which will not require undue extension of maintenance and snow clearance programs.

6. Consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines or curves or grades.

7. Consents should be used primarily to encourage infilling in existing village and hamlet areas and not to extend the village and hamlet areas.

The Albion and Chinguacousy Official Plans also include the following restrictions:

8. The size of any parcel of land created by consent shall be appropriate for the use proposed and in no case shall any parcel be created which does not conform to the provisions of the zoning by-law.

9. A consent shall be granted for the severance of a parcel of land only when the frontage of the parcel is equal to at least approximately one half the depth.

Albion Official Plan also includes:

10. In the Rural and Agricultural Districts consents shall be granted only for land which has been under one ownership for five years prior to the application for consent.

11. The number of consents which may be granted shall not, in any case, exceed a maximum of four per original 100 acres.

This number shall include all consents granted since the enactment of By-law # 609. (1953)

12. A severance of less than 25 acres in the Rural designation shall be subject to an amendment to the zoning by-law.

13. A severance for residential purposes in the Agricultural designation shall be subject to an amendment to the zoning by-law.

and finally the Chinguacousy Official Plan requires that:

14. The use for which the lot is proposed should be related to the agricultural uses outside the built-up areas.

All three Official Plans contain statements such as: "the main function of the consent in the Agricultural designation will be to accomodate the farmer who wishes to sever a parcel for his own use. However, at the discretion of the Committee of Adjustment a limited number of severances may be granted for residential purposes within this designation" (Albion Township); OR "...consents based on interfamily sales may be considered in A1, A2 and A3 areas providing the criteria expressed in 1 - 7 above are met." (Caledon Township).

In addition both Caledon and Albion Township Official Plans permit subdivision by consents to sever land in areas designated Rural Residential (Albion Township) or Estate Residential (Caledon) with minimum lot sizes of 2 acres and 2½ acres respectively; and subject to criteria relating to road access, water supply, adequate table land for septic tanks and sufficient building size and that the taxes generated by each lot will cover the cost of municipal services to it. Caledon Township specifies that this type of development can only be permitted on the

basis of an amendment to the Restricted Area By-Law." Albion Township
Official Plan does not include this condition.

APPENDIX III

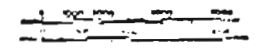
AGENCIES TO WHICH SEVERANCE APPLICATIONS ARE CIRCULATED

Region of Peel Council
Region of Peel Solicitor
Region of Peel Commissioner of Works
Region of Peel Planning Department
The Peel County Health Unit
The Credit Valley Conservation Authority
The Metropolitan Toronto and Region Conservation Authority
Niagara Escarpment Commission
City of Mississauga Engineering Department
City of Mississauga Planning Department
City of Mississauga Building & Zoning Department
City of Mississauga Municipal Council
City of Brampton Planning Department
City of Brampton Engineering Department
City of Brampton Building & Zoning Department
City of Brampton Municipal Council
Town of Caledon Municipal Council
Ministry of the Environment



- Class 1
- Class 2
- Class 3
- Class 4
- Class 5
- Class 6
- Class 7
- Class 8
- Class 9
- Class 10
- Subclass W
- Subclass T
- Soils of Mixed Capabilities

SOIL CAPABILITIES FOR THE
CITY OF BRAMPTON
PLANNING AREA



Minutes of Planning Committee Public Meeting held on February 6, 1975
to consider Land Division Policies for Rural Areas

The meeting commenced at 7:30 p.m. and was attended by 87 persons, the Chairman and some members of Regional Planning Committee, the Commissioner of Planning, Director of Development Control and Chairman and a Member of the Land Division Committee. The meeting was advertised in five newspapers and copies of a report on Land Division Policies for Rural Areas were available to be picked up in the Planning Office prior to the meeting. In addition, copies of the proposed Official Plan Amendment were provided to the public at the beginning of the meeting.

The meeting began with the Planning Commissioner explaining the history and background of the policy prior to the Public Meeting. It was explained that a comprehensive report was prepared by the Planning staff in consultation with the Land Division Committee at the request of Regional Council, that the report and proposed policy were considered by Planning Committee, that the policy was well reported in the press, that submissions from the Peel Federation of Agriculture and the United Church Presbytery were considered, and that a revised policy was approved by Planning Committee on October 3, 1974 and by Council on October 10, 1974. This policy was forwarded to Mississauga, Brampton and Caledon for comments and after receipt, certain changes incorporated after debate and a draft Official Plan Amendment prepared. This draft Official Plan Amendment was forwarded to the Area Municipalities for adoption and arrangements made with the Ministry of Housing staff for the Region to hold the necessary Public Meeting.

The Commissioner then read the proposed draft amendment in its entirety and explained certain aspects of it. The policies already in existence with respect to the number of severances in various municipalities was explained and a two hour question and answer period followed. Questions were asked about the rights of owners to sever and sell as many lots as they wished and it was pointed out that in urban areas planning restrictions such as zoning and Official Plan designations precluded such a right. The question of severances in cases of hardship and for estate purposes was raised and it was pointed out that these matters would have to be considered by the Land Division Committee. There was discussion about the restriction of severances in rural areas and questions were asked about the definition of hamlets and villages. It was explained that severances for the infilling of hamlets and villages would be encouraged and that the question as to what constituted infilling would be considered on an individual application basis by the Land Division Committee with advice from the Planning staff.

Questions were asked about the preservation of agricultural land and about the effect of drainage on various classes of agricultural land. It was stated that there is no use in preserving poorly drained good agricultural land. The matters of compensation for preserving agricultural land and farm incomes were stated several times, however, it was noted that this is outside the Regional jurisdiction. A number of questions were asked about the setbacks contained in the policy for regional roads and about the policies for the size and shape of lots in good agricultural areas. The reasons for these policies were explained and appeared to be accepted.

Criticism was voiced that the policy was inadequate for industrial and business uses however it was replied that this policy was only intended to cover residential severances and that severances for industrial or commercial use would be considered by the Land Division Committee in accordance with Official Plan policies. General discussion took place on the effects of more rural severances on the costs of schools, police and fire protection and on the conflicts of residential severances adjacent to farm operations. In addition, discussion took place on the policies contained in the amendment concerning the number of severances per 100 acre parcel and the length of ownership before an applicant is eligible for severances.

It appeared that no serious objections were raised about the policies set out in the amendment and that most of the questions were for explanation or clarification. The public seemed to accept the principle that it would be better to have a unified policy for the Region rather than numerous policies applying to former municipalities. It was explained that minutes of the meeting would be sent to Brampton, Caledon and Mississauga for their consideration in adopting the draft Official Plan Amendments.

For information the following notice was published in the Bolton Enterprise on January 29, 1975, in the Orangeville Banner on January 29, 1975, in the Bramalea Guardian on January 30, 1975, in the Mississauga Times on January 29, 1975 and in the Mississauga News on January 29, 1975.

(THE REGIONAL MUNICIPALITY OF PEEL)

NOTICE

The Planning Committee of the Council of the Regional Municipality of Peel will hold

A PUBLIC MEETING

on February 6, 1975, at 7:30 P.M.

in the Council Chamber of the Bramalea Civic Centre
150 Central Park Drive, Bramalea, Ontario

to consider comments and submissions from individual citizens and interested organized groups on the proposed Amendments to the Official Plans of the City of Mississauga, City of Brampton and Town of Caledon, incorporating

THE REGIONAL LAND DIVISION POLICIES FOR RURAL AREAS

Any interested citizen or organized group who wishes to attend or make a submission is welcome to attend the meeting. It is envisaged that these proposed policies will be subsequently embodied into the Official Plans of the three Area Municipalities.

Briefly stated, the proposed policy is intended to discourage residential development in rural areas in order to preserve good agricultural land for farming, to preserve the scenic rural landscape and to prevent the pollution of ground and surface water. The lot size, shape, location and access would be controlled, as would the setbacks of new buildings from Regional Roads. It is intended that not more than two severances be permitted from each original 100 acre farm lot by persons owning the land for at least five years.

Copies of the proposed Regional Land Division Policies can be obtained from the Planning Department of the Regional Municipality of Peel, 150 Central Park Drive, Bramalea, Ontario. Telephone 457-9400.