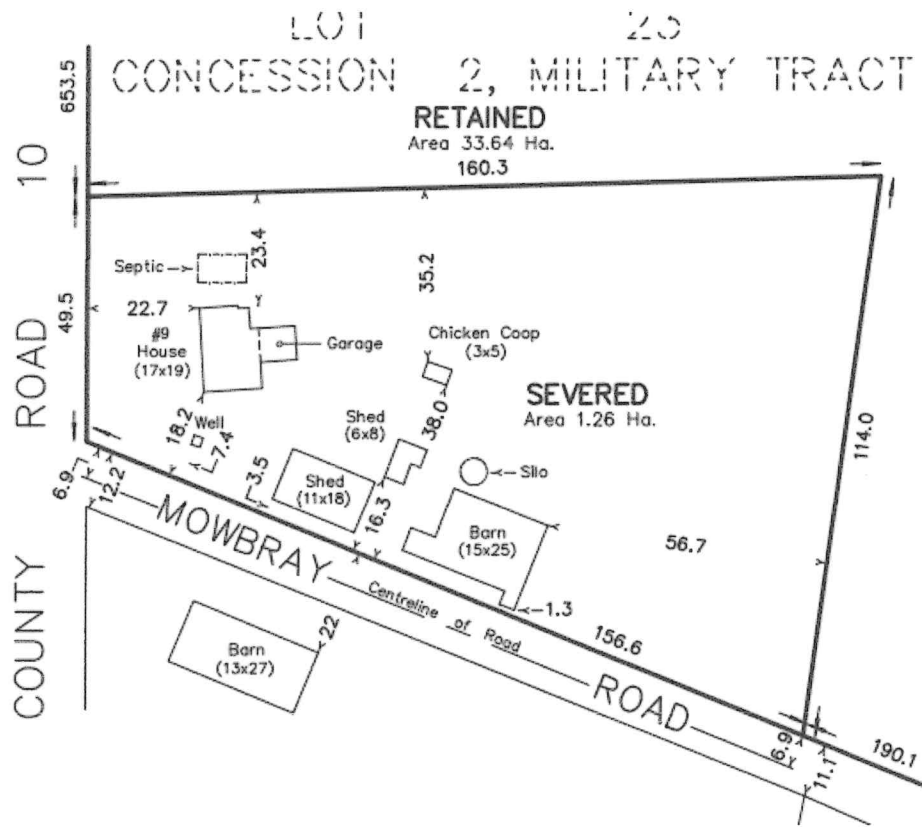


9 Mowbray Road - Surplus Dwelling Severance



**Brendan O'Connor Community Planning Consultant
 Planning Justification Report**

Community Planning - Land Use Planning - Project Management - Expert
 Testimony

Planning Justification Report – Surplus Dwelling Severance

9 Mowbray Road, Prince Edward County

This Planning Justification Report has been prepared in support of an application for consent to sever a surplus farm dwelling located at 9 Mowbray Road in Prince Edward County. The subject lands are owned by the Estate of Patrick Mowbray, who previously operated the property as part of a larger agricultural holding. The purpose of the severance is to create a new lot around the existing dwelling and four associated outbuildings, while the retained 33.6 ha parcel will continue to be used exclusively for agricultural production.

The lands are designated Agriculture in the County’s Official Plan and zoned Agriculture in the new Prince Edward County Zoning By-law. The proposed severed lot is 1.26 ha, slightly larger than the 1.0 ha guideline of the Official Plan. This size is justified because the boundaries follow logical, long-established physical features—an existing fence line to the east and the edge of the worked agricultural field to the north—avoiding disruption to ongoing farm operations.

A completed hydrogeological assessment confirms the severed lot is suitable for private well and septic servicing. The accompanying zoning amendment seeks to rezone the severed lot to Rural Residential (RR) and the retained lands to a site-specific Agricultural (A-X) Zone to preclude residential uses, consistent with Provincial and County policies.

Consistency with the Provincial Planning Statement (PPS), 2024

The Provincial Planning Statement, 2024 directs that prime agricultural areas be protected for long-term agricultural use and that lot creation within these areas be strictly limited. The proposed surplus dwelling severance at 9 Mowbray Road has been reviewed for consistency with the applicable PPS 2024 policies, including those relating to agricultural land protection, residential uses on farms, and lot creation.

PPS 2024 – Section 4.3: Agricultural Areas

4.3.1 – Protection of the Agricultural Land Base

PPS 2024 requires that prime agricultural areas be protected for long-term agricultural use, and that fragmentation of farmland be minimized.

How the proposal is consistent:

- The severed lot follows an existing fence line and the edge of the cultivated field, ensuring no workable farmland is removed from production.
- The retained 33.6 ha parcel remains a large, contiguous agricultural unit, supporting long-term agricultural viability.
- Establishing a site-specific Agricultural (A-X) Zone on the retained parcel ensures that no future residential dwellings or additional residential units can be constructed, preventing fragmentation and protecting the agricultural land base.

4.3.3.1 – Lot Creation in Prime Agricultural Areas

Policy 4.3.3.1 discourages lot creation in prime agricultural areas and permits it only in limited circumstances, including one residential lot for a dwelling surplus to an agricultural operation.

A surplus dwelling severance is permitted only where:

The dwelling is surplus as a result of a farm consolidation.

The lot is limited to the minimum size necessary to accommodate the dwelling and appropriate water/sewage services.

The remnant agricultural parcel is zoned to prohibit any future residential uses, including additional residential units.

How the proposal is consistent:

- The dwelling at 9 Mowbray Road is surplus to the consolidated agricultural operation and is not required for current or future farm management.
- The proposed 1.26 ha lot is the minimum necessary to include the house, four existing outbuildings, and sufficient area for private well and septic servicing. The lot boundaries follow long-established, logical physical features.
- The retained agricultural parcel will be rezoned to a site-specific Agricultural (A-X) Zone that prohibits new dwellings ensuring full compliance with the PPS requirement for protecting the remnant farm parcel.
- The severance avoids removal of any cultivated land from production and maintains the agricultural integrity of the retained parcel.

Conformity with the Prince Edward County Official Plan (2021)

The proposal for a surplus dwelling severance at 9 Mowbray Road is entirely consistent with the relevant policies of the Prince Edward County Official Plan (adopted 2021) under its Agricultural Areas designation. Below, each applicable OP policy is stated (paraphrased) and the proposal is shown to conform in a planning-justified way.

Policy 4.2 – Agricultural Areas: Surplus Farm Dwelling Severance

Policy (OP 2021): The Official Plan allows for the severance of a surplus farm dwelling when certain conditions are met. Specifically:

The dwelling must be at least 10 years old. Prince Edward County Municipal Services+1

The severed lot should generally not exceed 1 hectare, except when environmental, configuration, or other site-specific conditions justify a larger parcel. Prince Edward County Municipal Services+1

The severed lot must satisfy Minimum Distance Separation (MDS) formulae as per provincial requirements. Prince Edward County Municipal Services

The retained agricultural land (the parcel after severance) must be zoned to prohibit future residential use. Prince Edward County Municipal Services+1

How the proposal meets these requirements:

- The existing farmhouse at 9 Mowbray Road is longstanding and qualifies as “surplus” in the context of a consolidated farming operation, satisfying the age criterion.
- The proposed severed lot is 1.26 ha. While this slightly exceeds the 1-ha guideline, the increase is justified given existing physical boundaries (fence line, field edge) and the need to accommodate the house, its outbuildings, and servicing constraints.
- A hydrogeological assessment demonstrates that the severed parcel can support private well and septic systems, meaning the severed lot has the necessary servicing capacity. The proposal also ensures that MDS requirements will be met (no barns in the area), protecting compatibility with surrounding agricultural uses.
- The retained 33.6 ha parcel is proposed to be rezoned to a Special Agricultural (A-X) Zone that prohibits new dwellings, directly implementing the OP requirement to restrict future residential development on that parcel.

Policy 4.2 – Agricultural Areas: Lot Creation for Agricultural Uses

Policy (OP 2021): The Official Plan permits new agricultural lots (i.e., for farm-related or agriculture uses) under certain conditions:

The new agricultural lots should be “sufficiently large to allow flexibility for future agricultural operations.” Prince Edward County Municipal Services

Very generally, these agricultural lots should not be less than 40 hectares in area, to ensure the retained and new agricultural lands remain viable. Prince Edward County Municipal Services

How the proposal relates to these policies:

- This application is not proposing to create a new agricultural lot for productive farming use; rather, it is severing a surplus residential lot. Therefore, the 40-hectare minimum lot size policy for new agricultural lots does not apply to the severed parcel.
- Moreover, the retained 33.6 ha parcel (which remains in agriculture) is large and functionally viable for ongoing agricultural operations, even though it does not meet 40 ha — because the severance is for a residential dwelling, not a new farm lot. The policy’s intent to keep viable agricultural units intact is maintained: the retained parcel is large, consolidated, and usable as farmland.

Zoning By-law Compliance

Current Zoning: Agriculture

The Agriculture Zone permits agricultural uses and residential dwellings

Proposed Zoning Changes

- **Severed Lot → Rural Residential**
 - Recognizes the existing residential use.
 - Implements the intended use of the severed lot as a standalone dwelling.
- **Retained Lot → Agricultural Special (A-X)**
 - Prohibits new dwellings.
 - Reinforces long-term agricultural protection consistent with PPS and Official Plan.

How Zoning Requirements Are Met:

- The RR Zone reflects the existing and intended residential character of the severed parcel.
- The A-X Zone ensures the retained parcel remains purely agricultural, with no residential permissions, preventing fragmentation and supporting policy objectives.

Servicing Compliance

The completed hydrogeological assessment for the subject property confirms that the proposed severed lot can be adequately serviced by a private well and septic system. The study demonstrates that groundwater quantity and quality are suitable for residential use and that the soil conditions are appropriate for private sewage disposal. The retained lands will continue to rely on existing agricultural servicing arrangements. This satisfies the County's requirements for demonstrating appropriate private servicing for rural severances.

Conclusion

The proposed surplus dwelling severance at 9 Mowbray Road meets the applicable requirements of the Provincial Policy Statement, the Prince Edward County Official Plan, and the Zoning By-law. The severance is appropriately sized, follows existing physical boundaries, avoids impacts to agricultural land, and secures long-term agricultural protection through rezoning of the retained lands. This proposal represents sound land use planning and is fully consistent with the policy framework governing agricultural severances. (PPS) The proposal meets the PPS policies related to agricultural areas, specifically which allows the creation of lots for a surplus residence resulting from farm consolidation, provided certain conditions are met. The application satisfies these requirements through the following:

- **Surplus dwelling:** The residence is surplus to the needs of the farm operation and will not be required for future agricultural management.
- **Minimal lot size:** Although slightly larger than 1 ha, the 1.26 ha parcel is the minimum necessary to follow existing physical boundaries and avoid fragmenting workable farmland.
- **Zoning to prohibit new dwellings:** The retained parcel will be placed into an A-X Zone that prevents residential construction, fully meeting PPS requirements.

- **Protection of agricultural land:** The severance avoids removing active farmland and preserves the retained parcel for continued agricultural production.

8.0 Overall Policy Conformity

The proposed surplus dwelling severance is consistent with the Provincial Policy Statement, conforms to the Prince Edward County Official Plan, and meets the intent of the Zoning By-law. Key areas of conformity include:

- Protection of agricultural land by ensuring the retained parcel remains in agricultural use.
- Limiting the size of the severed residential lot while following logical, established physical boundaries.
- Prohibiting residential uses on the retained lands through the A-X Zone.
- Demonstrating adequate servicing for the severed lot.

These elements collectively ensure the severance proceeds without negatively affecting agricultural operations or the rural landscape.

Based on the analysis provided, it is recommended that the Consent Application and Zoning By-law Amendment be approved.

Brendan O'Connor RPP

A handwritten signature in black ink, appearing to read 'Brendan O'Connor', with a long horizontal flourish extending to the right.