

# Before You Apply

## Pre-consultation

Applicants are encouraged to have a pre-consultation meeting with the County Planner for your local municipality before submitting an application. During this meeting, the Planner will review site specific information and provide advice on whether the proposal meets the criteria of the County of Perth Official Plan to sever a surplus farm dwelling.

## Severance Process

The Perth County Land Division Committee (LDC) has the authority to approve or deny severance applications. The average time from submission of a complete application to a decision from the LDC is approximately three months.

Although local municipalities do not have the authority to approve/deny severances, applications are considered at local municipalities who may provide a recommendation to the LDC.

Please contact the LDC Secretary-Treasurer for more information related to the severance process ((519) 271-0531 ex. 415).

For specific information related to applications, or for assistance in completing severance applications, please contact the Planning and Development Department and ask for the Planner for your local municipality.

# Additional Information

## Minimum Distance Separation (MDS)

The purpose of MDS is to minimize nuisance complaints due to livestock odour. MDS calculations determine the minimum setback distances between proposed boundaries of the severed lot and existing livestock facilities or permanent manure storages on the retained farm.

## Application

Forms are available in digital format online ([www.perthcounty.ca](http://www.perthcounty.ca)), or in hard copy formats at the County and local municipal offices. Completed applications and fee(s) can be submitted to the Perth County Planning & Development Department.

## Fee\* \$1,500.00 payable to County of Perth

\*Please note that the application fee is non-refundable and does not include other costs that may apply such as legal and surveying fees, local municipal and agency review fees, and other municipal rezoning fees.

If the application is approved, the applicant has up to one year to fulfill the conditions, and up to two years to submit the deed to the County.

## Contact Us for Further Information: Planning and Development Department

1 Huron Street  
Stratford, ON

Phone:(519) 271-0531 ex. 415

Email: [planning@perthcounty.ca](mailto:planning@perthcounty.ca)



## Surplus Farm Dwelling Severances

## Guide for Applicants

This Pamphlet is intended for general information purposes only and is available in alternate formats, upon request. (Jan. 2017)

# Eligibility Criteria

## County of Perth Official Plan

The Perth County Official Plan lists criteria which must be met to be eligible to sever a surplus farm dwelling (see below). Please refer to Section 5.6.3.1 of the Official Plan for more information on eligible criteria.

- ❑ The dwelling is surplus to a farming operation as a result of farm consolidation (i.e. the farm operator/corporation owns at least one other dwelling on another farm parcel within Perth County);
- ❑ Minimum Distance Separation (MDS) formulae requirements are met from any livestock facilities on the remnant farm property;
- ❑ The dwelling must be a minimum of 10 years old at the date of the application for consent, and must be habitable, as determined by the local municipal Chief Building Official;
- ❑ The area of farmland attached to the surplus dwelling is kept to a minimum size needed for residential purposes, taking into consideration water and sewage services. This area shall not include any barns or structures used for livestock housing purposes, or secondary farm occupations; and,
- ❑ The farm property must be eligible for the Farm Property Class Tax Rate Program and the property owner must have a valid Farm Business Registration Number.

# Standard Conditions Imposed by the Land Division Committee

**When a surplus farm dwelling severance is granted, the following conditions will apply:**

- ❑ All municipal requirements, financial and otherwise, be met;
- ❑ Severed lot be rezoned to prohibit livestock and recognize severed residence is not accessory to agriculture;
- ❑ Farmland to be rezoned to a special Agricultural Zone to prohibit new residential dwellings on the retained agricultural parcel;
- ❑ Survey of the severed parcel; and,
- ❑ That allocation toward drain assessment is readjusted with the local municipality under Section 65(6) of the Drainage Act, if required.

**NOTE:** Additional conditions may be required as identified through the commenting process.

The applicant has up to one year from the date of notice of decision to fulfill conditions or the severance approval will lapse. The Planning Act does not permit extensions.

The applicant has two years from the issue of the certificate to have the deed prepared by a lawyer and submitted to the County.

# Frequently Asked Questions

**Q: How large of a lot is allowed?**

**A:** The severance should not include more land than is needed to support the residence (i.e. well, septic system, and area for replacement septic system), dependent on the configuration and/or location of the dwelling on the farm. The severed lot should not include land used for field crops or buildings used for agricultural purposes.

**Q: Are MDS setbacks required for empty livestock barns?**

**A:** Yes. MDS calculations are based on maximum livestock housing capacity for all livestock facilities on a lot, even if the building is not currently used, but is structurally sound and capable of housing livestock.

**Q: Do my neighbours find out if I apply to sever a dwelling?**

**A:** Yes. Notices will be sent to all owners of land within 60 metres (approximately 200 feet) of the farm to which a surplus farm dwelling severance is proposed. A Notice sign is posted on the farm clearly visible to the public.

**Q: Can I use the severed surplus dwelling lot for purposes other than residential?**

**A:** No. The severed lot shall only be used for residential purposes including: a dwelling and accessory uses, buildings and structures (i.e. driveway, detached garage, swimming pool); a home occupation; and a bed and breakfast establishment. Secondary farm occupations are not permitted.