

**AMENDMENT NO. 36
TO THE OFFICIAL PLAN
OF THE
MUNICIPALITY OF BAYHAM**

**SUBJECT: Underhill Farms Ltd.
55032 Vienna Line**

**The following text constitutes
Amendment No. 36 to the Official Plan of
the Municipality of Bayham**

I, MARGARET UNDERHILL, DEPUTY CLERK
of the Corporation of the Municipality of Bayham

certified that the foregoing is a true and correct copy of the original
Dated this 21st day of November 2004

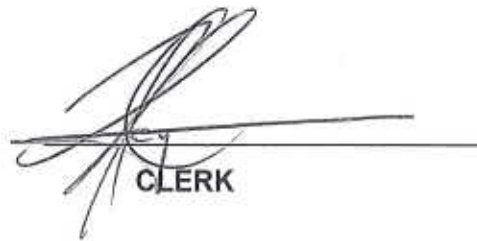


**OFFICIAL PLAN
OF THE
MUNICIPALITY OF BAYHAM**

THIS Amendment was adopted by the Council of the Corporation of the Municipality of Bayham by By-law No. 2024-011, in accordance with Section 17 of the **PLANNING ACT**, on the 7th day of March 2024.



MAYOR



CLERK

BY-LAW NO. 2024-011

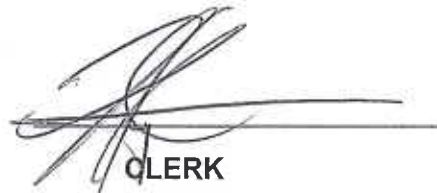
THE Council of the Corporation of the Municipality of Bayham, in accordance with the provisions of the **PLANNING ACT**, hereby enacts as follows:

- 1) **THAT** Amendment No. 36 to the Official Plan of the Municipality of Bayham is hereby adopted.
- 2) **THAT** the Clerk is hereby authorized and directed to make an application to the County of Elgin for approval of the aforementioned Amendment No. 36 to the Official Plan of the Municipality of Bayham.
- 3) **THAT** no part of this By-law shall come into force and take effect until approved by Elgin County.

ENACTED AND PASSED this 7th day of March 2024.



MAYOR



CLERK

OFFICIAL PLAN
OF THE MUNICIPALITY OF BAYHAM
AMENDMENT NO. 36

1. PURPOSE

The purpose of the Official Plan Amendment is to add a new site-specific sub-section to permit the severance of an existing dwelling made surplus through farm consolidation that does not conform to Section 2.1.7.1. Currently, Section 2.1.7.1 requires that where a farm parcel with more than one existing dwelling is being consolidated into a farm operation, only one dwelling may be severed from that farm parcel, and no more than one severance of a surplus dwelling shall be allowed from an original farm parcel regardless of changes in boundary or ownership.

As such, the purpose of the Official Plan Amendment would be to permit the severance of a surplus farm dwelling from a farm parcel where more than one dwelling and severance of a surplus farm dwelling had previously occurred on the subject lands as a result of a farm consolidation. This would facilitate a future Consent application to sever the existing dwelling.

2. LOCATION

The Official Plan Amendment will be applicable to lands known as Part Lot 10, Concession 3 and known municipally as 55032 Vienna Line.

3. BASIS OF THE AMENDMENT

The subject lands are characterized as a farmed parcel with a residential dwelling, pool to the rear of the residential dwelling, and accessory barn and concrete pad associated with the existing agricultural operations. Several accessory buildings pertaining to the agricultural operations are also located further west from the existing residential dwelling, notably towards centre of the subject lands and furthest point west. The subject lands are located at 55032 Vienna Line, north side, and west of Brown Road.

The subject lands have an approximate lot area of 118 hectares (291 acres), an estimated lot frontage of 967 metres (3,172 feet) along Vienna Line, and a lot depth of 1,250 metres (4,101 feet). The existing paved driveway with access onto Vienna Line currently serves the existing residential dwelling to be severed. The existing unpaved access currently serves the existing barn and agricultural operations on the proposed retained lot. The agricultural lands have sufficient frontage onto Vienna Line. The

surrounding lands are agricultural in all directions, with several rural residential lots along Vienna Line not supported by agricultural operations.

The Provincial Policy Statement, 2020 and the Elgin County Official Plan permit surplus farm dwelling severances where appropriate and where new residential dwellings are prohibited, which in the Municipality of Bayham is accomplished by way of Conditions of the Consent to have the owners obtain Zoning By-law Amendment approval from the Municipality.

Where a farm parcel with more than one existing dwelling is being consolidated into a farm operation, the Bayham Official Plan only permits one dwelling and one severance of a surplus farm dwelling. It is understood the subject lands were previously merged as a result of a farm consolidation where three (3) distinct parcels existed, each containing a residential dwelling. It is understood that two of the three residential dwellings were previously severed in 2003, and that the applicant is seeking to sever the third residential dwelling on the remnant agricultural parcel that has existed since 1996. Given the length of time the residential dwelling has existed on the subject lands and is no longer required by the owner as a result of a previous farm consolidation, therefore, specifically permitting the requested surplus farm dwelling severance by way of new policy text section indicating the location of the lands and permission for the severance would be in conformity to the Official Plan.

4. DETAILS OF THE AMENDMENT

- a) Section 2.1.7 of the Official Plan of the Municipality of Bayham is hereby amended to add the following subsection:

2.1.7.9 Notwithstanding Section 2.1.7.1, the dwelling located in Part Lot 10, Concession 3 and known municipally as 55032 Vienna Line, and existing as of February 2024, may be severed as a surplus farm dwelling, where more than one dwelling and severance of a surplus farm dwelling had previously occurred on the farm parcel as a result of a farm consolidation.