



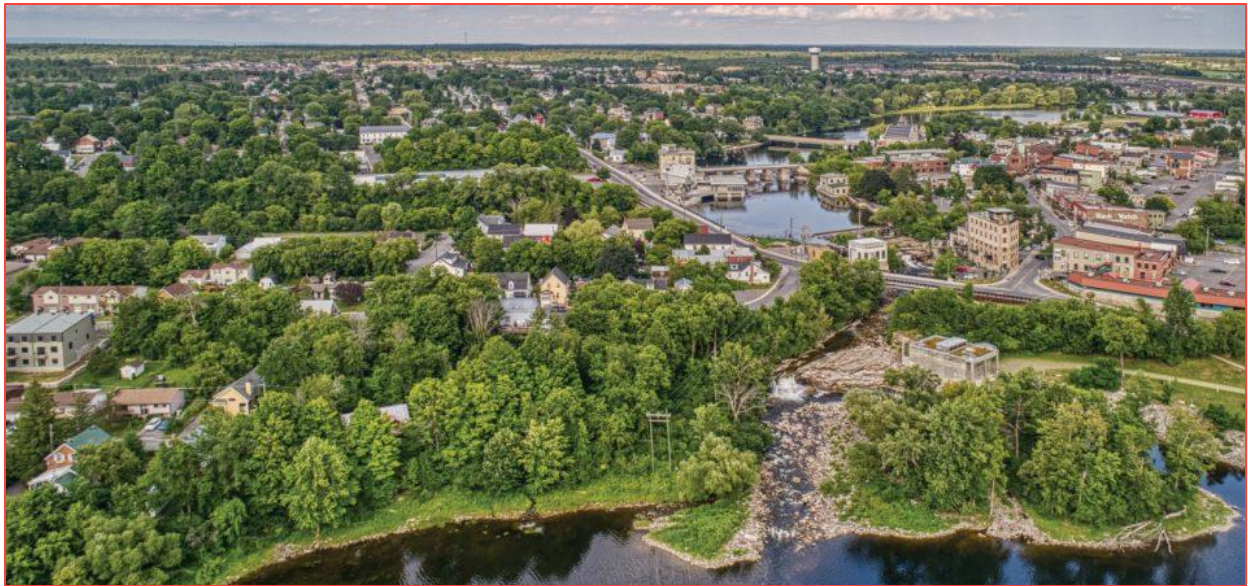
Mississippi  
Mills

# MUNICIPALITY OF MISSISSIPPI MILLS

OFFICIAL PLAN AMENDMENT 28  
RURAL SEVERANCE POLICY REVIEW

FINAL RECOMMENDATIONS REPORT

November 11, 2024





# FINAL RECOMMENDATIONS REPORT

## OFFICIAL PLAN AMENDMENT 28 RURAL SEVERANCE POLICY REVIEW

MUNICIPALITY OF MISSISSIPPI MILLS

REPORT (VERSION 3)

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# TABLE OF CONTENTS

1	INTRODUCTION.....	1
1.1	<b>Background – Rural Severance Review .....</b>	<b>1</b>
1.1.1	Official Plan Amendment 28 .....	2
2	KEY FINDINGS .....	2
2.1	<b>Provincial and County Planning Context .....</b>	<b>2</b>
2.2	<b>Comparable Municipal Practices .....</b>	<b>3</b>
2.2.1	Municipality of North Grenville.....	3
2.2.2	Township of King.....	3
2.2.3	Township of South Frontenac.....	4
2.2.4	Loyalist Township.....	4
2.2.5	Municipality of Middlesex Centre.....	4
2.2.6	Township of Springwater .....	5
3	RECOMMENDATIONS.....	5
3.1	<b>Official Plan Policies .....</b>	<b>5</b>
3.1.1	Definitions .....	6
3.1.2	Section 3.3 - Rural Policies.....	7
3.1.3	Section 5.3.11 – Consent to Sever Land .....	9
3.2	<b>Municipality of Mississippi Mills Zoning By-Law (Office Consolidation March 2020).....</b>	<b>10</b>
4	CONCLUSION AND NEXT STEPS.....	10

# 1 INTRODUCTION

The Municipality of Mississippi Mills ("the Municipality") is reviewing policies for non-farm rural severances on lands designated "Rural" in the Municipality's Community Official Plan (the "COP"; Approved December 4, 2019, as amended), to ensure that Official Plan policies reflect current planning trends. It should be noted that this review does not address farm-related severances on properties located within the Rural designation, or on lands designated as Agricultural (prime agricultural areas). The findings of this policy review will support the broader Municipally-initiated Official Plan Amendment 28 – Rural Villages and Vitality ("OPA 28") currently being undertaken.

WSP was retained by the Municipality to assist with undertaking the review of rural severance policies, the scope of work for which includes:

- A Current State Report (July 23, 2024), which examines the existing rural severance policies in the COP as they relate to recent updates in Planning legislation, provincial policies, and County policies;
- A Comparison Report (October 21, 2024), which reviews rural severance policies and best practices from other similar municipalities across Ontario, including the lower-tier municipalities in Lanark County; and
- This Recommendations Report, which represents the final phase of this review, and provides a series of recommendations for potential policy amendments to be included as part of OPA 28, for the consideration of Municipal Planning staff and Council.

The recommendations in this Report are based on the review of existing rural severance policies in the COP against current Planning legislation and provincial policies, and comparing rural severance policies in similar municipalities. They include amendments to the severance policies applicable to lands within the Rural designation, as well as amendments which are more housekeeping in nature to remove repetitive policies and clarify policies to assist with implementation. The recommendations address the number of rural lots permitted to be created, as well as other associated issues such as forced roads, driveway locations, lot sizes, and additional residential units.

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## 1.1 BACKGROUND – RURAL SEVERANCE REVIEW

In August 2011, the Mississippi Mills Municipal Council directed staff to review the existing rural severance policies and explore policy options to allow additional severances under specific conditions, including the permission of:

- (1) a third severance on land holdings that existed as of July 1, 1973, where the retained lot would maintain a minimum lot size of at least 20 hectares; and
- (2) two severances on lots that existed as of January 1, 1985.

After a detailed analysis of potential severances and rural building lots, and the impact on municipal infrastructure and lot distribution, the Municipality decided to maintain the existing rural severance policies.

On January 24, 2024, Council passed a motion directing Planning staff to reassess the existing rural severance policies, since changes have been made to provincial legislation and policies. This is to ensure that the policies reflect current planning trends, the evolving rural landscape and demographics, and planning objectives within the Municipality.

Official Plan Amendment 33 was adopted by Council on August 27, 2024, and was informed by the “Limited Service Residential and Private Roads Interim Control By-law Study Recommendations Report” (Prepared by Parsons, December 2023). The purpose of OPA 33 was to update and refine the policy framework for development on private roads within Mississippi Mills. The OPA includes revisions to the cluster lot development policies within the Municipality of Mississippi Mills COP to ensure that future developments on private roads are evaluated consistently and that they are compatible with the existing rural landscape and service levels. For clarity, the Municipality’s cluster lot development policies do not form part of the Municipality’s current review of rural severances.

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### 1.1.1 OFFICIAL PLAN AMENDMENT 28

The review of the existing rural severance policies in the Municipality’s COP forms part of a broader Municipally-initiated Official Plan Amendment 28 (“OPA 28”), and a related Zoning By-law Amendment. OPA 28 is informed by updated population projections from Lanark County, and aims to ensure that the COP and Zoning By-law are up-to-date with current planning trends and best practices to support Mississippi Mills’ rural villages and rural vitality. Through OPA 28, the Municipality will conduct a vacant land assessment, a rural village commercial review, a village zoning review, and comprehensive reviews of rural and agricultural policies, including on-farm diversified uses, special rural uses (i.e., non-farm, non-residential uses), and rural severance policies.

As part of OPA 28, the Municipality will be undertaking public engagement to gather input from the community, and help shape the strategic direction for rural development, focusing on enhancing the viability of rural villages and the broader rural economy. An initial Public Open House was held on July 11, 2024. Public engagement, including an online survey, is ongoing, and a final round of public engagement activities is planned for October-November 2024.

In July 2024, Lanark County released draft urban residential land supply and land needs to 2051, including draft housing growth projections. For Mississippi Mills, it is forecasted that annual permanent housing growth between 2021 and 2051 will comprise approximately 154 units per year, for a total of 4,630 residential units to the year 2051 (Watson, Lanark County 2023 Growth Study, Area Municipal Discussion #3, Urban Land Needs Presentation, July 2024). While the majority of this growth will likely be accommodated within the urban settlement areas, there is some opportunity to accommodate housing growth within the rural area. The proposed policy updates through OPA 28 can contribute to supporting some rural lot creation and the availability of housing options required to accommodate this anticipated growth.

The Draft OPA 28 and Zoning By-law Amendment will be prepared by Municipal staff in 2025, at which time the Amendments will be brought to Council by Municipal staff for consideration of adoption.

## 2 KEY FINDINGS

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### 2.1 PROVINCIAL AND COUNTY PLANNING CONTEXT

The Current State Report (July 23, 2024) reviewed the recent changes to the Planning Act and its impact on rural severances. It also reviewed the Municipality’s existing severance policies for rural areas,

assessing their alignment with various provincial and local policies, including the Provincial Policy Statement (2020 and 2024), Lanark County's Sustainable Communities Official Plan ("SCOP"), and ongoing amendments to the Municipality's Official Plan.

The key findings from the Current State Report indicate that Mississippi Mills' existing non-farm rural severance policies comply with the Planning Act and are consistent with both the Provincial Policy Statement (PPS) 2020 and Draft PPS 2024. However, there are opportunities for improvements to the COP policies to better support rural development while maintaining rural character, ensuring adequate services, and protecting natural resources. The policies of the SCOP direct that rural development is limited, with the most growth being directed to Settlement Areas, and that rural lot creation may be permitted through subdivisions or consents. The SCOP emphasizes private or communal servicing, protection of natural heritage, and maintaining rural character. Rural severance policies of the lower-tier municipalities must conform to the SCOP, and consents must be approved by Lanark County's Land Division Committee.

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## 2.2 COMPARABLE MUNICIPAL PRACTICES

The Comparison Report (October 21, 2024) examined how six municipalities of a comparable population size and urban-rural character across Ontario manage non-farm rural severances. The specific policy approaches to managing non-farm rural severances differ across municipalities, which is reflective of local priorities and challenges. Common themes emerging from the analysis included protecting rural character, implementing strict severance requirements, and ensuring consistency with broader zoning regulations. These municipal practices provide valuable insights for shaping policies that support sustainable rural development.

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### 2.2.1 MUNICIPALITY OF NORTH GRENVILLE

The rural severance policies of Section 9 of the Municipality of North Grenville Official Plan (Adopted May 14, 2028; Approved November 22, 2018) prioritizes the preservation of rural character and landscape as follows:

- Severances are restricted to one new lot per existing land holding (as of June 28, 1999), with a minimum lot size of 1 hectare in rural areas.
- The Municipality considers environmental impacts, cumulative development effects, and existing infrastructure capacity before approving any severances.
- New lots must have a minimum frontage of 60 metres to maintain the rural character and ensure access.

**In this case, the key policy approach is a limit of one (1) severance permitted per land holding, and an increased focus on environmental impact and infrastructure assessment.**

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### 2.2.2 TOWNSHIP OF KING

The Township of King Official Plan (Adopted September 23, 2019 and Approved September 24, 2020) has some of the most restrictive policies regarding rural severances of the municipalities examined. More specifically, residential lot creation in rural areas is prohibited unless it supports public or non-profit uses, such as infrastructure or conservation purposes. Additionally, the following requirements must be met:

- No severances for estate residential or multiple-unit developments are permitted, effectively preserving rural areas from large-scale subdivision projects. (Section 6.4.4).

**Ultimately, the Township of King maintains their rural and agricultural lands by prohibiting land fragmentation.**

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### 2.2.3 TOWNSHIP OF SOUTH FRONTENAC

The Township of South Frontenac Official Plan (Adopted September 5, 2000; Approved April 30, 2022; Consolidated January 23, 2024) has more permissive rural severance policies, but includes more prescriptive requirements in terms of the location of severances, as noted below:

- A maximum of three (3) rural residential severances from lots existing as of September 5, 2000 are permitted, ensuring limited lot creation on rural lands. (Policy 5.7.4 (c)).
- Minimum lot sizes for non-waterfront lots are 0.8 hectares (2 acres), with a required frontage of 76 metres (250 feet). Waterfront lots must be a minimum of 1 hectare (2.5 acres), with 91 metres (300 feet) of water frontage. (Policy 5.7.4 (a)).

**By enforcing minimum lot sizes, frontage requirements and strict limitations on road extensions, South Frontenac facilitates some rural development while preserving the integrity and serviceability of its rural landscapes.**

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### 2.2.4 LOYALIST TOWNSHIP

Loyalist Township Official Plan (Adopted September 27, 2021 and Approved March 23, 2022) requires significant minimum lot sizes and road frontages for rural severances to preserve the rural landscape and limit excessive rural development. Key findings have been extracted below:

- New lots are permitted only when the retained parcel is at least 10 hectares, and the retained lot must have a minimum road frontage of 150 metres. (Policy 5.5.6 (c)).
- The Township limits the creation of new lots to three (including the retained parcel), ensuring that large tracts of rural land remain intact. (Section 6.3.5).
- The Township includes three dates pertaining to the existing lots of record, these dates are dependant on the original pre-amalgamation towns (former Township of Ernestown, former Village of Bath and former Township of Amherst Island) (Section 6.3.5).
- Servicing requirements are stringent, with severances only allowed when on-site sewage and water servicing are adequate. Well testing and septic capacity assessments are mandatory for approval.

**The large minimum lot size of 10 hectares, and significant road frontage requirement of 150 metres help prevent the overdevelopment of rural lands, while maintaining adequate servicing capacity and protecting the character of the rural landscape.**

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### 2.2.5 MUNICIPALITY OF MIDDLESEX CENTRE

The Municipality of Middlesex Centre Official Plan (Adopted April 19, 2000 and Approved September 12, 2000) and the Middlesex Centre Official Plan (Adopted October 12, 2022 and Approved September 26, 2023) have nearly completely prohibited rural severances, with all non-farm rural lands outside of



settlement areas designated as agricultural. Severances are generally not permitted, unless it can be demonstrated that a plan of subdivision is not necessary for orderly development (Section 10.3.1)

Severance applications are considered only for adjustments or technical reasons, and any exceptions must demonstrate alignment with provincial agricultural preservation policies.

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## 2.2.6 TOWNSHIP OF SPRINGWATER

The Township of Springwater Official Plan (Consolidated December 2018) and the New Township of Springwater Official Plan (not in full force and effect) permits rural severances primarily within existing residential clusters, limiting the number of new lots to three including the retained parcel.

- To prevent “strip or ribbon development”, new lots must adhere to a minimum frontage requirement of 38 metres and a minimum lot size of 1,855 square metres. Consents are allowed only when existing clusters of residential development can accommodate the rounding out of a cluster without compromising rural character (28.6.1).
- The Township places additional limits on development near intersections, ensuring that new severances do not extend existing development beyond a compact, clustered form (28.6.1)

**In focusing severance permissions within existing residential clusters and enforcing strict lot size and frontage requirements, the Township of Springwater controls rural development to prevent sprawl while supporting limited, targeted growth in established rural residential areas.**

# 3 RECOMMENDATIONS

This Section presents recommended policy changes to the Mississippi Mills COP to be considered through OPA 28, which aim to align the management of rural severances with growth expectations and regional development goals, while ensuring that rural areas develop in a controlled manner while allowing for some flexibility and rural development opportunities.

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## 3.1 OFFICIAL PLAN POLICIES

Through OPA 28, the non-farm rural severance policies in the existing COP are recommended to be revised as follows. The recommendations may be implemented as one amendment, or one or more changes may be implemented. Either approach would result in more up-to-date policies with current planning trends.

- **Increase Maximum Lot Creation Limits**
  - Increase the maximum number of lots that can be created per land holding within the Rural designation from two (2) lots plus the remnant (retained) parcel to three (3) lots plus the remnant (retained) parcels. This has been informed by the maximum lot creation limits found in other municipalities. This would ultimately result in the permission of 4 lots (3 severed plus 1 retained).

- **One-Time Severance Limitation**
  - Implement a policy that restricts the severance of a parcel to a one-time severance for non-farm uses. This means that once a parcel has been severed, no further severance of either the original or newly created lots would be permitted for residential uses.
- **Modify the Land Holding Date**
  - Update the land holding date to the date in which the Municipality of Mississippi Mills COP was adopted by Council (December 13, 2005) to provide greater opportunities for severances to accommodate for projected growth.
- **Reduce Road Access Requirements**
  - Ensure that all properties have appropriate road access, however, in line with policies in other municipalities, reduce or remove the current separation distance requirements between accesses to provide for greater flexibility in access options for the parcels.
- **Reduce or Remove the Minimum Lot Frontage Requirement**
  - While a minimum lot frontage requirement has been maintained in the recommended policies, removing the lot frontage requirement would reduce the risk of the need for an Official Plan Amendment should a severance meet the lot size requirements but be deficient in terms of lot frontage. If a minimum lot frontage requirement is maintained in the policies, the COP and the Zoning By-law requirements should be consistent.

These recommendations aim to strengthen and modernize the non-farm rural consent policy framework within the Official Plan. By implementing these measures, the Municipality can better manage growth, preserve its rural heritage, and ensure a balanced approach to development that respects both the environment and the needs of its residents.

Additionally, it is recommended that a transition clause be introduced at the time of the adoption of OPA 28:

- **Applications for severances submitted prior to [date of OPA 28 approval] would be evaluated according to the existing Official Plan policies in place at the time of the application submission.**

The following sections present the specific proposed changes to the existing policies in Sections 5.14 Definitions and 3.3 Rural Policies in the Municipality of Mississippi Mills COP, for the consideration of Municipal Planning staff and Council. Proposed changes to the COP are presented as follows:

- Proposed additions are in **bold**; and
- Proposed deletions are shown as ~~strike through~~.

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### 3.1.1 DEFINITIONS

As part of the updated COP policies, the following definition is recommended be added to Section 5.14:

- **Existing Lot of Record:** A parcel of land or lot that has been legally established and recorded in the appropriate land registry office prior to the date of adoption of this Plan by Council (December 13, 2005).

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## 3.1.2 SECTION 3.3 - RURAL POLICIES

### 3.1.2.1 SECTION 3.3.6 – SEVERANCE AND LOT CREATION

Severances and the creation of lots within the Rural designation shall be limited to the following:

1. Farm-related severances may be considered for a farm dwelling built prior to the ~~1978~~ adoption of the Community Official Plan (December 13, 2005), made surplus to a farming operation as a result of farm consolidation. Farm consolidation refers to the acquisition of additional farm parcels to be operated as one farm operation, and may include existing situations where a farm operation has two dwellings located on separate agricultural land holdings. Only farmers who are expanding their farm holdings shall qualify for surplus farm dwelling severances. The Municipality shall impose a condition on the severance of a surplus farm dwelling, requiring a zoning by-law amendment prohibiting the construction of a new residential dwelling on the farmland parcel rendered vacant as a result of the severance. The lot area and frontage for surplus farm dwelling lots should be kept to a minimum in order to keep as much land in agricultural production as possible. The Municipality may request a condition on the Land Division Committee decision to require the registration of a covenant on the title of the property stating that the lot is adjacent to an agricultural area and may therefore be subjected to noise, dust, odours, and other nuisances associated with agricultural activities.
2. Severance for boundary adjustments between agricultural holdings may be permitted provided that no new lot is created, and the parcel sizes are appropriate for the proposed agricultural use.
3. Farm-related severances may be considered for the creation of a new agricultural holding provided that:
  - i. Generally, the minimum lot area for agricultural parcels shall be approximately 40 hectares (100 acres). To this extent, this Plan encourages the creation of agricultural parcels in accordance with the original township lot fabric of the area. Nothing in this Plan shall prohibit severance applications which result in the creation of original township lots. For the purpose of this Plan, an original township lot shall be considered a holding.
  - ii. The size of the parcels to be severed and retained is appropriate for the type of agriculture being carried out in the area.
  - iii. The minimum lot area shall be sufficiently large to ensure the long-term flexibility of land to accommodate different agricultural uses in the future.
4. The number of rural non-farm residential lots created by severance per land holding shall be limited to ~~two lots plus the remnant~~ **three lots plus the remnant lot from a lot of record existing on December 13, 2005**, except where otherwise specifically provided for in this Plan. ~~A third severance for a nonfarm residential lot may be considered as long the severance is to sever an existing accessory detached dwelling that is deemed surplus to the. The accessory detached dwelling must be a permanent structure and have been built with a building permit between 1998 and 2005 and have an independent well, septic system and entrance. A holding is defined as a parcel of land held in a conveyable ownership as of July 1, 1973 or an original township lot. A lot of record that existed on December 13, 2005 shall be deemed to exclude any portion of the lot that was subject to a consent application that was conditionally approved prior to December 13, 2005, provided that the consent conditions were satisfied, and the lot was~~

**created in accordance with the decision to approve the consent, regardless of whether the consent lot was conveyed after or on December 13, 2005.** Consents for a boundary adjustment, partial discharge of mortgage, easement or right-of-way shall not be considered toward the maximum number of consents per holding.

5. The permitted uses on a rural residential lot include a single dwelling, **an additional residential unit subject to the policies of Section 3.6.9**, a home-based business, garden suite, bed and breakfast establishment, and limited agricultural activities. **[Note to Municipality: Section 3.6.9 of the COP should be amended to replace “second dwelling units” terminology and permissions with “additional residential units”]**
  - i. ~~The access point of the driveway onto the public road must be located so that no safety hazards are created. A severance shall be permitted only where the center of the driveway is 150 meters from immediate neighboring driveways on the same side of the road. Council may reduce the 150-meter requirement where soil conditions, topography, safety, sight lines, or other sound planning considerations suggest that a lesser distance would be appropriate.~~ **The Municipality may require the use of shared entrances by abutting property owners or other such measures. Where a shared entrance is required, the landowners shall enter into an easement agreement which shall ensure that maintenance of the entrance will be the mutual responsibility of the affected landowners.**
  - ii. **The Municipality confirms there** is a demonstrated capacity for the lot to support the proposed development on private or communal services.
  - iii. The lot **generally** has a **minimum frontage of 45 metres** on a maintained public road of acceptable standard to support year-round maintenance and emergency vehicle access, **and a minimum depth of 200 metres**. Direct access onto a County Road or Provincial Highway shall be discouraged.
  - iv. Each lot, **both severed and retained** must **generally** be at least one hectare **(1.0 ha)**. ~~Council may require~~ **Larger lots may be acceptable** when site conditions warrant an increase in lot size. The minimum lot size shall not include lands within the "Flood Plain" designation. **A lot that is less than one hectare (1.0 ha) in area must be supported by a hydrogeological study, and can be no less than 0.4 hectares.**
  - v. The creation of non-farm lots adjacent to an active agricultural operation within the Rural designation shall ensure that there is an appropriate building envelope outside of the 30 metre setback from lands which are being utilized as part of an active agricultural operation.
  - vi. The placement of a rural residential severance must avoid having an adverse impact on significant landscape features, significant vegetation, wildlife habitats, or other significant natural resources on the property.
  - vii. ~~Council may permit two or more lots to share a single driveway where soil conditions, topography, safety, sight lines or other sound planning considerations suggest that such an arrangement would be beneficial.~~

**(Note: Policy 3.3.6 5(vii) has been consolidated with Policy 3.3.6.5(i) above)**

- viii. Residential uses (including accessory structures), private or communal wells and sewage disposal facilities, and access roads shall not be permitted on prime agricultural lands, or where there are aggregate resources, wetlands, flood plains, or significant habitats of endangered or threatened species. Where the development affects lands adjacent to natural heritage features or areas, the appropriate policies of this Plan shall be followed.
6. A severance of a permitted commercial or industrial use may be considered provided the lot size is kept to a minimum in order to keep as much land in agricultural production as possible, and efforts have been made to locate the operation on land of low capability for agriculture. The severance of a commercial or industrial property shall not result in a situation where there have been more than 2 severances for commercial, industrial, or residential purposes from the holding since **December 15, 2005**.

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### 3.1.3 SECTION 5.3.11 – CONSENT TO SEVER LAND

#### 3.1.3.1 SECTION 5.3.11.1 - GENERAL LOT CREATION POLICIES

The following lot creation policies apply to all land uses whether development takes place by consent or plan of subdivision.

- i. The size of the lots must be in accordance with the requirements for the type of use and servicing method proposed. The size of lot may be dependent on servicing studies which will be in accordance with the requirements of the municipality and other agencies.
- ii. Nothing in this Plan shall prohibit severance applications which result in the creation of original township lots. For the purpose of this Plan an original township lot shall be considered a holding.
- iii. Information will be provided to substantiate that an adequate and suitable water supply and conditions or a proper sewage system exist, all of which can meet the requirements of the municipality and other agencies.
- iv. Lots will not be created on lands which are unsuitable for development due to environmental conditions.
- v. All lots will have suitable road access in accordance with the relevant policies of this Plan. Proposals resulting in the creation of land-locked parcels of land shall be strongly discouraged.
- vi. In the creation of lots, regard must be given to appropriate separation distances from incompatible uses and natural resources, including agricultural lands.
- vii. The lot must be in an appropriate location for the use proposed and contain a suitable building site, where applicable. Where lots are proposed for residential, commercial, or industrial purposes, a site plan may also be required.
- viii. In reviewing any application to create new lots, the convenience, safety, and welfare of the future residents of these lots will be a major consideration.
- ix. In the Rural designation, the maximum number of lots created per land holding will be **three (3) exclusive of the retained lot**, except where otherwise specifically provided for in this Plan. A holding is defined as a parcel of land held in a conveyable ownership as of

**December 13, 2005**, or an original township lot. Consents identified in Subsection 5.3.11.2.7 will not be counted as a consent for the purposes of this section.

- x. All sections of the Plan dealing with the creation of lots shall apply where appropriate including but not limited to the general policy for development under Section 4 of the Plan, environmental policies under Section 3.1, wellhead protection policies under Section 3.1.7, agricultural and rural policies under Section 3.2 and 3.3 respectively, and the following sections related to consent policies and plans of subdivision.
- xi. **Once a lot has been severed and has been registered as such, no subsequent severance of either the severed lot or the retained lots is permitted, except under extraordinary circumstances as approved by the Land Division Committee.**

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## 3.2 MUNICIPALITY OF MISSISSIPPI MILLS ZONING BY-LAW (OFFICE CONSOLIDATION MARCH 2020)

This Report does not include specific recommended changes to the Municipality of Mississippi Mills Zoning By-law (Adopted 2011, Office Consolidation March 2020). However, it is important to note that any proposed changes to the Official Plan through OPA 28 by Municipal staff to modify lot sizes and frontages that differ from the current provisions in the Zoning By-law would require a Municipally-initiated Zoning By-law Amendment.

## 4 CONCLUSION AND NEXT STEPS

This Recommendations Report outlines WSP's recommendations for proposed amendments to the non-farm rural severance policies in the Municipality of Mississippi Mills' COP as part of the broader OPA 28. These proposed amendments aim to align the existing policies with current planning legislation and policy approaches used in other comparable municipalities, and with the expected housing growth in Mississippi Mills detailed in the draft projections from Lanark County Growth Management Study.

Following the issuing of this Recommendations Report, Municipal Planning staff will review and adapt the proposed changes for non-farm rural severances to reflect the other components of OPA 28, including the results of the community engagement activities on the OPA. Finally, the Municipal Planning staff will present the proposed OPA 28 and related Zoning By-law Amendment to Council for consideration of adoption.