



Meeting Date: September 20, 2023

Submitted by: Marion-Frances Cabral, Planner

Report No: PLA-58-2023

Subject: Application for Zoning By-law Amendment (ZBA-14-2023) for 23759 and 23865 Vanneck Road; Filed by Stewart Findlater on behalf of Fourteen Mile Farms Limited

Recommendation:

THAT Zoning By-law Amendment Application (ZBA-14-2023), filed by Stewart Findlater on behalf of Fourteen Mile Farms Limited for the severed and retained lands of consent application B-5/23 in order to implement the severance of a surplus farm residence, be APPROVED.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding a re-zoning application for a property on the south west corner of Vanneck Road and McEwen Drive, just across from Fifteen Mile Road. The subject property is legally described as Part of Lot 24, Concession 12, Municipality of Middlesex Centre.

A location map is included as Attachment 1.

Background:

The purpose of the subject rezoning application is to implement a condition of severance imposed by Middlesex Centre's Council for Consent B-5/23, which conditionally severed a lot with an area of approximately 0.3 ha (0.74 ac) in order to accommodate a surplus farm residence. The severed and the retained parcels do not contain any regulated area or natural heritage features. The retained parcel contains a single detached dwelling and barns.

The effect of the subject application is to rezone the provisionally granted severed lot from the 'Agricultural (A1)' zone to the 'Surplus Residence (SR)' zone and the proposed retained lot from the 'Agricultural (A1)' zone to a new site-specific 'Agricultural exception 47 (A1-47)' zone to continue permitting the existing single detached dwelling and recognize the undersized lot area for a farm.

Policy Regulation:

The property is designated as 'Agricultural Area' by Middlesex County's Official Plan and designated as 'Agriculture' by Middlesex Centre's Official Plan. The property is zoned 'Agricultural (A1)' by Middlesex Centre's Comprehensive Zoning By-law. As such, the policies and provisions below are applicable to the lands.

Provincial Policy Statement, 2020:

Section 3 of the *Planning Act* requires all decisions made under the Act "to be consistent with" the Provincial Policy Statement, 2020 (PPS). The PPS contains policies that address the protection of agricultural uses for the long-term including permitting limited non-agricultural development and lot creation.

For the purpose of this application section 2.3.4 of the PPS speaks to lot creation in prime agricultural areas, stating that lot creation may be permitted for a residence surplus to a farming operation as a result of farm consolidation subject to specific criteria. Such criteria includes that the 'severed' area be limited to a minimum size needed to accommodate the residential use and appropriate sewage and water services and that any new residential dwellings are prohibited on any retained lot of farmland created by the severance.

Middlesex County's Official Plan:

The County of Middlesex Official Plan (County Plan) designates the subject property as 'Agricultural Area'. The County Plan recognizes agriculture as the predominant land use outside of settlement areas or natural environment areas. The Agricultural Area policies are intended to protect agricultural lands from conflicting land uses that are not compatible with agricultural uses and practices.

As a way to protect agricultural lands, the County Plan (section 4.5.3.4) limits the severance of agricultural lands for limited reasons. However, the County Plan permits severances where a residence is surplus to a farming operation as a result of farm consolidation provided that the residence was built at least 10 years prior and that new residential dwellings are prohibited on any vacant retained lot of farmland created by the severance.

Additionally, new farm lots are discouraged to be less than a typical township lot of about 40 hectares in area. Farm lot sizes shall be sufficiently large farming blocks to maintain flexibility to adapt to future changes in agriculture and to avoid the fragmentation of farmland.

Middlesex Centre's Official Plan:

The intent of the Agricultural designation within Middlesex Centre's Official Plan is to preserve agriculture as the primary use outside of Settlement Areas and enhance the viability of agricultural operations, wherever possible. In order to achieve this intent, the plan contains policies pertaining to severances in agricultural areas and discouraging the fragmentation of farm lots.

Consistent with the PPS and the County Plan, Middlesex Centre's Official Plan permits the severance of a residence surplus to a farming operation subject to conditions that need to be satisfied (section 10.3.2.1).

Conditions include prohibiting livestock on the severed lot; prohibiting any new residences on any retained lot resulting from the severance; and recognizing the minimum lot area and frontage of the retained lot where it does not meet the provisions of the zoning by-law.

Middlesex Centre Zoning By-law:

The requested amendment would facilitate a consent for severance that was conditionally approved by Council in 2023. The application for rezoning would rezone the provisionally granted severed lot from the 'Agricultural (A1)' zone to the 'Surplus Residence (SR)' zone to recognize the residential non-farm use.

Further, the amendment would rezone the proposed retained lot from the 'Agricultural (A1)' zone to a new site-specific 'Agricultural exception 47 (A1-47)' zone to: recognize the minimum size of the retained farm lot as it existed on the day that the residential use ceased; and, to continue to permit the existing dwelling on the retained farm with the agricultural operations.

Consultation:

Notice of the application has been posted on site and circulated to agencies, as well as property owners in accordance with the *Planning Act* and Ontario Regulation 545/06.

Public Comments:

At the time of writing the subject report, no comments or concerns had been received from the public regarding this proposal.

Agency Comments:

At the time of writing the subject report the following comments had been received:

The Municipality's Chief Building Official has not provided comments at the time of writing this report.

The Municipality's Public Works and Engineering Department have not provided comments at the time of writing this report.

The Ausable Bayfield Conservation Authority (ABCA) has reviewed the application and has no concerns with the rezoning since the property is not regulated.

Analysis:

As a result of the severance for a surplus farm dwelling (File: B-5/23), the application requests to re-zone the provisionally granted severed lot to 'Surplus Residence (SR)' and the proposed retained lot to 'Agricultural exception 47 (A1-47)'. The subject lands are currently designated 'Agricultural' within the County of Middlesex and Middlesex Centre official plans, and zoned 'Agricultural (A1)'.

The policies of the PPS and official plans are intended to preserve agricultural lands and the overall agricultural area from fragmentation and incompatible or non-agricultural uses such as residential dwellings. The requested re-zoning application to maintain a minimum size and prohibit new residential development on the proposed retained lot, and limit the use and size of the provisionally granted severed residential lot is consistent with the PPS, County of Middlesex Official Plan and Middlesex Centre Official Plan.

Additionally, the Municipality's Comprehensive Zoning By-law requires a minimum lot area of 0.2 ha (0.5 ac) and a minimum lot frontage of 30 m (98 ft) in the 'Surplus Residence (SR)' zone. The 'Surplus Residence (SR)' zone references Section 4.16 of the Zoning By-law to establish a minimum front yard setback. Section 4.16 requires that buildings and structures for residential uses must be setback a minimum of 15.0 m (49 ft) from the streetline. The general 'Agricultural (A1)' zone requires a minimum lot area 40 ha (99 ac) and a minimum lot frontage of the lesser of 300 m (984 ft).

Upon review of the details of the severance, the provisionally granted lots will meet the provisions of the requested zones. The provisionally granted severed lot with the residence will have a frontage of 55.0 m (180.5 ft) and an area of 0.3 ha (0.74 ac). The proposed retained lot will have a lot frontage of 471 m (1, 545 ft) and a lot area of approximately 23.7 ha (58.6 ac).

The retained lot appears to meet the standards of the zoning by-law for the general 'Agricultural (A1)' zone. However, due to the original township survey system, the minimum lot area would be difficult to be met. The parcel proposes to have a lot area of 23.7 ha (58.6 ac) which the owner determined is a sufficient size for their agricultural operation. Further fragmentation of the parcel through severance would not be permitted and it is expected that the parcel will be maintained for the long-term. As such, staff are generally satisfied to recognize the proposed minimum lot area for the retained parcel.

The retained parcel also proposes to preserve the existing residential dwelling for continued use. Though provincial and local policies require the prohibition of new residential uses on the land, staff recognize the existing residential use does not further impact agricultural activities on the land or abutting farmland, and should not be considered new residential development on the land.

Given the above, planning staff recommend that the subject application be approved, as the proposal is consistent with the Provincial Policy Statement, 2020, the County of Middlesex Official Plan and Middlesex Centre's Official Plan.

This opinion is provided prior to the public meeting and without the benefit of potentially receiving all comments from agencies or members of the public. Should new information arise regarding this proposal prior to or at the public meeting, Council is advised to take such information into account when considering the application.

Financial Implications:

None.

Strategic Plan:

This matter aligns with following strategic priorities:

- Engaged Community

Attachments:

Attachment 1 – Location Map

Attachment 2 - Sketch of proposed severed lot