



Meeting Date: October 18, 2023

Submitted by: Marion-Frances Cabral, Planner

Report No: PLA-63-2023

Subject: Applications for Zoning By-law Amendment (ZBA-12-2023 and ZBA-13-2023) for Vacant Land (VL) Nine Mile Road and 15675 Nine Mile Road; Filed by Michael Moir and Walter Moir, Robert Castelo and Gloria Castelo

Recommendation:

THAT Zoning By-law Amendment Applications (ZBA-12-2023 and ZBA-13-2023), filed by Michael Moir and Walter Moir, Robert Castelo and Gloria Castelo for the severed parcels of consent application B-08/22 in order to implement a boundary adjustment between the two properties known legally as Concession 8 PT Lot 5 and Concession 8 PT Lot 5 RP 33R20597 Part 1, Middlesex Centre (geographic Township of London), County of Middlesex, be APPROVED.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding rezoning applications for properties located on the south side of Nine Mile Road, west of the intersection at Nine Mile Road and Clarke Road. The lands are legally described as Concession 8 Part of Lot 5 and Concession 8 Part of Lot 5 Part 1 on Reference Plan 33R20597, in the County of Middlesex, 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-08/23, which conditionally severed a 480 m² parcel of land from each property in order to be added to the other property. The parcel of land from 15675 Nine Mile Road is proposed to be rezoned from 'Surplus Residence (SR)' to 'Agricultural – No Residences (A3)', and the parcel of land from V/L Nine Mile Road is proposed to be rezoned from 'Agricultural – No Residences (A3)' to 'Surplus Residence (SR)'.

The severed parcels do not contain any regulated area or natural heritage features. 15675 Nine Mile Road contains a rural residence and VL Nine Mile Road is vacant of buildings and is actively farmed. Surrounding land uses are predominantly agricultural with some rural residential uses.

Policy Regulation:

The properties are designated as 'Agricultural Area' by Middlesex County's Official Plan and designated as 'Agriculture' by Middlesex Centre's Official Plan. The properties are zoned "Surplus Residence (SR)" and "Agricultural – No Residences (A3)" 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).

Middlesex Centre Zoning By-law:

The requested amendment would facilitate a consent for severance that was conditionally approved by Council in 2023. The application would rezone a 480 m² parcel of land from 15675 Nine Mile Road from 'Surplus Residence (SR)' to 'Agricultural – No Residences (A3)', and to rezone a 480 m² parcel of land from V/L Nine Mile Road from 'Agricultural – No Residences (A3)' to 'Surplus Residence (SR)'.

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 reviewed the application and has no comments.

The Municipality's Public Works and Engineering Department reviewed the application and have no objection

Analysis:

As a result of the severance (File: B-5/23) for a boundary adjustment to facilitate the placement of a new home on 15675 Nine Mile Road, the application requests to rezone the severed parcels to be consistent with the receiving property. 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 applications are intended to limit the size of the residential parcel while maintaining an appropriate acreage for the long-term protection and use of the agricultural lands, which is consistent with the PPS, County of Middlesex Official Plan and Middlesex Centre Official Plan. Upon review of the details of the severance, the provisionally granted lots will meet the provisions of the requested zones.

Given the above, Planning Staff recommend that the applications 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 applications.

Financial Implications:

None.

Strategic Plan:

This matter aligns with following strategic priorities:

- Balanced Growth

Attachments:

Attachment 1 – Location Map