



Meeting Date: June 19, 2024

Prepared By: Marion-Frances Cabral, Planner

Submitted by: Marion-Frances Cabral, Planner

Report No: PLA-31-2024

Subject: Consent Application (B-10/2024), 15601 Ilderton Road

Recommendation:

THAT Consent Application B-10/2024, filed by Pol Associates Inc. on behalf of Paul Smibert and Natasha Smibert, in order to sever a lot with a frontage of 342 m (1,122 ft) on Clarke Road and a lot area of 42 ha (103 ac), from an existing 84 ha (206 ac) agricultural property legally described as Concession 10 Pt Lots 5 and 6 (former Township of London), in the Municipality of Middlesex Centre, County of Middlesex, and municipally known as 15601 Ilderton Road; be GRANTED subject to conditions.

AND THAT Consent B-10/2024 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the *Planning Act* shall be given within two years of the date of the notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of severance has been met.
2. That the fee for the Certificate of Consent be paid in accordance with the Municipality's Fees and Charges By-law.
3. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B-10/2024 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the Owner's solicitor provide a Transfer in Preparation to the Municipality, together with a deposited reference plan and a Schedule describing the land to be transferred, for the purposes of the issuance of a Certificate of Consent.

5. That the Owner's solicitor submit an undertaking in a form satisfactory to the Municipality to register an electronic transfer of title consistent with the Consent decision.
6. That any outstanding property taxes for the severed and retained lots of Consent B-10/2024 be paid in full.
7. That, if necessary, a revised assessment schedule in accordance with the Drainage Act, as amended, be commissioned and paid for by the Owner.
8. That an address be assigned and number erected for the severed agricultural parcel.

AND FURTHER THAT the reasons for granting Consent Application B-10/2024 include:

- The proposal is consistent with the Provincial Policy Statement;
- The proposal conforms to the County of Middlesex Official Plan and the Middlesex Centre Official Plan; and
- The proposal complies with the Middlesex Centre Comprehensive Zoning By-law.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding an application to sever a parcel of land from a farm that is located on the south side of Ilderton Road and west side of Clarke Road.

A location map is included as Attachment 1.

Background:

The purpose and effect of Consent Application B-10/2024 is to sever a farm parcel from an existing farm. The severed lands are proposed to have a frontage of approximately 342 m (1,122 ft) on Clarke Road and an area of 42 ha (103 ac). The retained farmland would maintain a frontage of approximately 606 m (1,988 ft) on Ilderton Road and an area of approximately 42 ha (103 ac).

The subject land contains a single detached dwelling, and several sheds and barns which are accessed from Ilderton Road. The land is serviced by private services in the form of a septic system and a well. The property is surrounded by agricultural lands in crop production. Portions of both the severed and retained lands are identified as 'Significant Woodlands' and 'Natural Heritage' and are partially regulated by the Upper Thames River Conservation Authority.

Policy Regulation:

The subject lands are designated Agricultural in the County of Middlesex Official Plan, Agricultural in Middlesex Centre's Official Plan, and zoned 'Agricultural (A1)' in Middlesex Centre Comprehensive Zoning By-law.

Provincial Policy Statement (PPS)

Section 3 of the Planning Act, as amended, states that planning authorities "shall be consistent with" the PPS. The principal policies of the PPS that are applicable to the proposed development include:

Section 2.3 of the Provincial Policy Statement provides direction on the protection of prime agricultural lands. More specifically, Section 2.3.3.2 states that in prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

Section 2.3.4.1 (a) of the PPS states that lot creation in prime agricultural areas may be permitted for agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations.

County of Middlesex Official Plan:

Section 4.5.3.4 (c) of the County Official Plan states that consents for new farm lots are discouraged where the result is the creation of a farm lot less than a typical township lot of about 40 hectares. Consents for the creation of new farm lots shall be considered where both the size of the lands being severed and the lands being retained are appropriate to:

1. The type of agriculture being engaged in or proposed to be engaged in;
2. The type of agricultural activity and farm lot sizes common in the area.

Middlesex Centre's Official Plan

Section 2.3 of the Official Plan states that agricultural areas are intended to be used predominantly for agriculture and agriculture related uses. This includes all forms of farming, including the principal farm dwelling, related buildings and structures, practices and uses of land.

Section 10.3.2 of the Official Plan applies to severances within the Agriculture designation within the Municipality. Section 10.3.2.3 states that the fragmentation of existing farm lots will be strongly discouraged. Severances for new farm lots will not be permitted where a farm lot of less than 40 hectares will result.

Further, 10.3.2.4 states that it is the policy of this Plan that farm lot sizes shall be sufficiently large to create large continuous farming blocks and maintain long term flexibility to adapt to future changes in agriculture, and to avoid the unwarranted fragmentation of farm land.

Middlesex Centre Comprehensive Zoning By-law

The land is zoned 'Agricultural (A1)' which requires a minimum lot area of 40 ha (99 ac), and minimum lot frontage of 300 m (984 ft).

Consultation:

Notice of the application has been circulated to agencies and property owners in accordance with the requirements of the *Planning Act*.

Public Comments:

Staff did not receive comments from area residents or stakeholders at the time of writing this staff report.

Agency Comments:

The following comments were received at the time of writing this report:

The Chief Building Official reviewed the application and did not have any comments.

Public Works and Engineering did not provide comments.

The County Engineer reviewed the application and did not have any comments.

Upper Thames River Conservation Authority reviewed the application and noted the presence of natural hazards across the property that may require a permit for any future development on the severed and retained lands. The UTRCA does not have objections to the consent application.

Analysis:

The Provincial Policy Statement, County Official Plan and Middlesex Centre Official Plan generally permits lot creation in agricultural areas for agricultural purposes where the lots are of a size sufficiently large to maintain productive and viable farm units. The minimum lot size requirement as outlined in the Middlesex Centre Zoning By-law is 40 hectares (100 acres).

The size of both parcels proposed to be severed and retained appear to meet the agricultural goals and general agricultural criteria of the Official Plan. The proposed lot sizes are also consistent with the requirements of the Zoning By-law. Staff are satisfied that the size and configuration of the proposed lots will not negatively impact the ability to farm the lands and the flexibility to adapt to future farming practices will not be compromised.

Given the above, planning staff find that that subject consent applications should be granted, subject to conditions.

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, the Council is advised to take such information into account when considering the applications.

Financial Implications:

None.

Attachments:

Attachment 1 – Location Map