



Meeting Date: April 23, 2025

Prepared By: Marion-Frances Ramos Cabral

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Report No: PLA-29-2025

Subject: Applications for Consent (B-4/2025) and Zoning By-law Amendment (ZBA-2-2025)

Recommendation:

THAT Consent Application B-4/2025 filed by Graham Monck, in order to sever a farm parcel for lot addition purposes with a frontage of approximately 61 m (200 ft) on Sixteen Mile Road and 311 m (1,020 ft) on Adelaide Street N, and an area of approximately 3.64 ha (9 ac), and the retained parcel would have a frontage of 59 m (193 ft) on Sixteen Mile Road and an area of 0.918 ha (2.27 ac), for a property legally described as Concession 16 S PT Lot 13, in the Municipality of Middlesex Centre, County of Middlesex, and is municipally known as 14782 Sixteen Mile Road; be GRANTED;

AND THAT Consent B-4/2025 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 fulfilled.
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-4/2025, and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the Owners' 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 Owners' 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-4/2025 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(s).
8. That the lands to be severed be merged in the same name and title as the adjacent property's known legally as Concession 16 S Pt Lot 13 (Roll: 393903401002200) to the satisfaction of the Municipality; and that subsection 50(3) or (5) of the Planning Act apply to any subsequent conveyances involving the enlarged parcel, and that any mortgages that may be required take into the account the parcel as enlarged.
9. That the severed and retained parcel comply with all zoning provisions.
10. That the owner will be required to dedicate lands up to 13 m from the centerline of construction of Adelaide Street N of the farm parcel to the Municipality of Middlesex Centre for the purposes of road widening if the right of way is not already to that width.
11. That land for a 3m x 3m daylight triangle be dedicated to the Municipality at the corner of Sixteen Mile Road and Adelaide Street N.
12. That, if necessary, a driveway permit be obtained to provide a new driveway to the farm parcel.

AND THAT the reasons for granting Consent application B-4/2025 include:

- The proposal is consistent with the Provincial Planning 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.

AND FURTHER THAT Zoning By-law Amendment Application (ZBA-2-2025), filed by Graham Monck, to rezone the retained parcel of consent application B-4/2025 from 'Agriculture (A1)' Zone to 'Surplus Residence (SR)' Zone, in order to implement a boundary adjustment between the two properties known as Concession 16 S PT Lot 13 (14782 Sixteen Mile Road) and Concession 16 S PT Lot 13, Middlesex Centre, County of Middlesex, be APPROVED, and that the implementing By-law be forwarded to Council for consideration once a deposited reference plan has been provided to the satisfaction of the Municipality.

Purpose:

The purpose of this report is to provide Council with a recommendation with regard to an application to sever a parcel of farmland for lot addition purposes from 14782 Sixteen Mile Road, and provide a recommendation for an associated zoning by-law amendment application to rezone the remaining parcel. The severed farmland is proposed to be merged with abutting farmland to the west known legally as Concession 16 S Pt Lot 13 (Roll:393903401002200). Note that this application is not for the purpose of the severance of a residence surplus to a farming operation, but for the purposes of a boundary adjustment/lot addition. No new lot is being created.

A location map is included as Attachment 1.

Background:

The purpose and effect of Consent Application B-4/2025 is to adjust the boundary for lot addition purposes, by removing agricultural lands from an undersized agricultural parcel and add it to the neighbouring farm. The application seeks to sever a 3.64 ha (9 ac) portion of the undersized lot which would be added to the neighbouring agricultural lands to the west, and the retained parcel would contain an existing residential use.

Additionally, the applicant has applied to rezone the retained parcel to the 'Surplus Residence (SR)' Zone to recognize the reduced area and residential use of the lands. The severed farmland would be maintained within the 'Agricultural (A1)' Zone and consolidated with the neighbouring parcel.

The subject land contains a single detached dwelling and accessory buildings, and is actively farmed. The lands are serviced by private services in the form of a septic system. The property is surrounded by agricultural lands in crop production and rural residences.

A sketch of the proposal is included as Attachment 2.

Policy Regulation:

The subject land is designated 'Agricultural Area' in the County Official Plan and 'Agriculture' within Middlesex Centre's Official Plan, and zoned 'Agriculture (A1)' in Middlesex Centre's Zoning By-law. As such the following policies apply.

Provincial Planning Statement, 2024

Section 3 of the Planning Act requires all decisions made under the Act "to be consistent with" the Provincial Planning Statement, 2024 (PPS). The following PPS policies are relevant to the proposed development and need to be considered when evaluating the subject applications.

Section 4.3.1 of the PPS states that prime agricultural areas shall be protected for long-term use for agriculture.

Further, Section 4.3.3 states that lot creation in prime agricultural areas is discouraged and may only be permitted in the following ways:

1. Lot creation in prime agricultural areas is discouraged and may only be permitted in accordance with provincial guidance for:

- a) 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;
- b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
- c) one new residential lot per farm consolidation for a residence surplus to an agricultural operation, provided that:
 - 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
 - 2. the planning authority ensures that new dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new dwellings or additional residential units are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches that achieve the same objective; and
- d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

2. Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.

Middlesex County's Official Plan

The principal policies of the County of Middlesex's Official Plan that are applicable to the proposed development include:

Section 2.2.2.2 notes that consents in the Agricultural Area shall only occur in conformity with the policies of Section 4.5.3.4.

Section 4.5.3.4 (b) consents involving minor boundary adjustments shall be considered provided that non-viable farm parcels are not created and agricultural activities are not adversely affected.

Middlesex Centre's Official Plan

Section 2 of Middlesex Centre's Official Plan discusses the policies applicable to Agricultural Areas. Section 2.2 provides general agricultural policies which includes:

- a) The fragmentation of farm parcels in agricultural areas is strongly discouraged.
- b) The expansion of farm parcels through lot assembly is encouraged wherever possible

Section 10.3.2.1 of Middlesex Centre's Official Plan addresses lot creation in Agricultural areas. Severances within agricultural areas are prohibited, except under specific circumstances, as follows:

- a) severances relating to minor boundary adjustments may be considered. Such severances must not create non-viable farm parcels, and must not adversely affect agricultural activities.

Section 10.3.2.4 of Middlesex Centre's Official Plan provides direction for farm lot sizes, noting that it is the policy of the Plan that farm lot size 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).

The 'Surplus Residence (SR)' Zone requires a minimum lot area of 0.2 ha (0.5 ac) and a minimum lot frontage of 300 m (984 ft). Permitted uses in the 'Surplus Residence (SR)' Zone are limited to residential uses and related accessory uses, bed and breakfast, and a dog kennel. Livestock shall be prohibited within the Surplus Residence (SR)' Zone.

Consultation:

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

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:

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

Chief Building Official reviewed the application and does not have any objections.

Public Works and Engineering reviewed the application and identified concern with the size of the residential lot as it exceeds what is required to fit the house, septic and well. Approximately 20% of the property will be retained for the residential lot due to the barn and land. PWE also requests specific conditions to be included if the consent is granted that address road widening on Adelaide Street N, a daylight triangle at the corner of Adelaide Street N and Sixteen Mile Road, and driveway access to Thirteen Mile Road.

Analysis:

The Provincial Planning Statement (PPS), County Official Plan and Municipal Official Plan permit minor boundary adjustments so long as they are required for technical reasons and they do not adversely impact agricultural activities.

In discussion with the applicant, it was noted that the requested lot addition was for the purpose of enlarging the farm parcel to the west and retaining the existing home on an undersized parcel.

Planning Staff have reviewed the applicant's proposal to adjust the boundaries of the farmland for the purpose of a lot addition against the PPS, County Official Plan and local Official Plan. As proposed by the application, the intent is to remove a portion of actively farmed land from an undersized farm parcel and add that land to an existing larger farm parcel which abuts to the west. The transfer would not create any new lots, rather just move the boundary of the existing lots. As such, no new opportunities for residential development would be created through the transaction.

The application supports the increase of active agricultural land and a viable farm parcel for long-term use. Policy in Middlesex Centre's Official Plan permit boundary adjustments and encourage adjustments where the result creates larger more viable farm parcels. As such, Planning finds support for this application.

Further, Planning Staff reviewed the Zoning By-law Amendment that requests to rezone the retained residential parcel to the 'Surplus Residence' zone which recognizes the residential use of the land and undersized area relative to a farm parcel. Staff are satisfied that the proposed parcel of land will meet the zoning regulations for the 'Surplus Residence (SR)' zone. The severed farmland will be merged with the abutting vacant farmland to the west which is currently zoned 'Agriculture (A1)'. As a result, the severed farmland will remain zoned 'Agriculture (A1)'. Planning Staff acknowledge that 1 new dwelling may be built on the farmland, however, this was permitted prior to the requested application, and it does not lead to an increase in residential uses within the agricultural area.

Given the above, Planning Staff are recommending that the Consent application be granted, subject to conditions, and the Zoning By-law Amendment be approved.

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.

Attachments:

Attachment 1 – Location Map

Attachment 2 – Applicant's Sketch