



Meeting Date: September 17, 2025

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Report No: PLA-57-2025

Subject: Application for Zoning By-law Amendment (ZBA-8-2025) for 24538 New Ontario Road; Filed by Hillbro Farms Limited

Recommendation:

THAT Zoning By-law Amendment Application (ZBA-8-2025), filed by Hillbro Farms Limited, to rezone the lands known as 24538 New Ontario Road from the 'Agricultural (A1)' zone to 'Surplus Residence (SR)' Zone, 'Open Space (OS)' Zone, and 'Agricultural – No Residences (A3)' Zone for the severed and retained lands of consent application B-2-2024, 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 regarding a rezoning application for a property located on the northeast side of New Ontario Road, northwest of the intersection at New Ontario Road and Vanneck Road. The land is legally described as Concession 9 N Part Lot 21, in the Municipality of Middlesex Centre, County of Middlesex, and is municipally known as 24538 New Ontario Road.

A location map is included as Attachment 1.

Background:

The purpose of the rezoning application is to implement a condition of severance imposed by Middlesex Centre's Council for Consent B-2-2024, which conditionally severed a lot with a frontage of 102 m (334.6 ft) on New Ontario Road and an area of 0.73 ha (1.8 ac) in order to accommodate a surplus farm residence. The retained parcel is proposed to be 21.26 ha (52.5 ac) with a frontage on New Ontario Road, Vanneck Road and Hedley Road. The land is surrounded by agricultural uses in crop production, and is partially

regulated by the Ausable Bayfield Conservation Authority (ABCA). The lands also contain natural heritage features identified by the Middlesex Natural Heritage Systems Study 2014 and Significant Woodland.

The purpose and effect of the rezoning application is to rezone the severed lot from the 'Agricultural (A1)' zone to the 'Surplus Residence (SR)' zone to permit the non-farm dwelling and accessory uses (as shown on the reference plan), and the retained lot to the 'Open Space' Zone to recognize the Significant Woodland and natural heritage features, and 'Agricultural – No Residences (A3)' to prohibit new residential uses from being established on the agricultural parcel.

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 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 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 4.3.3 of the PPS speaks to lot creation in prime agricultural areas, stating that lot creation is discouraged and may be permitted to create one new residential lot per farm consolidation for a residence surplus to an agricultural operations provided that 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.

Section 4.1 of the PPS discusses natural features to be protected for the long term. Natural Heritage systems shall be identified in Ecoregions 6E and 7E of varying sizes and forms in settlement areas, rural areas and prime agricultural areas. Development and site alteration shall not be permitted in specific features including Significant Woodlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. Additionally, development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas unless ecological function of adjacent lands has been evaluated and it has been demonstrated there will be no negative impacts on the natural features or on their ecological functions. Nothing within this policy is intended to limit the ability of agricultural uses to continue.

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.

Section 2.3.10 of the County Official Plan states that it is the policy to address the appropriateness of development and restrict development to locations which do not adversely affect the sustainability of these Natural Heritage System features and their ecological functions.

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.

Schedule 'B' of the Official Plan identifies Significant Woodland on the subject land. It is the policy of the Official Plan that development or site alterations within or on lands adjacent to the environmental features, save and except for those uses included in Section 3.5 (Permitted Uses within Municipal Natural Environment Areas and Greenland Features), shall be subject to completion of a Development Assessment Report acceptable to the Municipality.

Middlesex Centre Zoning By-law:

The requested amendment would facilitate a consent for severance that was conditionally approved by Council on March 20, 2024. 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 existing, non-farm residential use. Further, the amendment would rezone the proposed retained lot from the 'Agricultural (A1)' zone to the 'Open Space (OS)' Zone to recognize the Significant Woodland and natural heritage system and the 'Agricultural – No Residences (A3)' zone to prohibit any new residential uses on the agricultural parcel.

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:

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

Agency Comments:

At the time of writing this 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 has no comments.

Ausable Bayfield Conservation Authority has not provided comments at the time of writing this report.

Analysis:

As a result of the severance for a surplus farm dwelling (File: B-2-2024), the application requests to rezone the severed lot to the 'Surplus Residence (SR)' zone and the retained lot to the 'Open Space (OS)' Zone and 'Agricultural – No Residences (A3)' zone. 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, and 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).

The severed and retained parcels appear to meet the provisions of the requested 'Surplus Residence (SR)' zone and 'Agricultural – No Residences (A3)' zones.

As a condition of consent application B-2-2024, the Owner was required to complete a Development Assessment Report to identify both natural hazards and natural heritage features associated with the severed and retained lands. The findings of the report identified the limits of the natural hazards and natural heritage features, and recommend rezoning the land to the 'Open Space (OS)' Zone to continue protecting these features for the long-term by limiting development. Planning Staff are satisfied that the requested 'Open Space (OS)' Zone will limit development and site alteration, and protect the features for the long-term.

Given the above, Planning Staff recommend that the application be approved, as the proposal is consistent with the Provincial Planning Statement, 2024, 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.

Attachments:

Attachment 1 – Location Map

Attachment 2 – Draft Reference Plan