



**Municipality of Middlesex Centre
By-Law 2021-011**

Being a by-law of the Municipality of Middlesex Centre pursuant to Section 38 of the Planning Act, R.S.O. 1990, C. P.13, as amended, to adopt an Interim Control By-Law for prime agricultural lands in the Municipality of Middlesex Centre

WHEREAS Section 38 of the Planning Act, R.S.O. 1990, c. P.13, as amended permits the Council of a municipality to pass an Interim Control By-law, which may be in effect for up to one (1) year (subject to extension), which prohibits the use of land, buildings or structures within the municipality or within the defined area thereof for such purposes as set out in the By-law, but only if the Council of the municipality has directed that a review or study be undertaken with respect to land use planning policies that apply to the subject area.

AND WHEREAS Municipal Council for the Municipality of Middlesex Centre ("Middlesex Centre" or the "Municipality") by resolution and by-law has directed that a land use study be undertaken in respect of land use planning policies (Official Plan policies and Zoning By-law regulations) in a defined area of the Municipality, being the areas designated as Agriculture in Middlesex Centre's Official Plan (shown on Schedule "A").

AND WHEREAS for the purposes of this By-law, the areas designated as Agriculture in Middlesex Centre's Official Plan (shown on Schedule "A") are the prime agricultural lands in the Municipality.

NOW THEREFORE BE IT RESOLVED THAT the Council of the Municipality of Middlesex Centre enacts as follows:

1. Notwithstanding any other by-law to the contrary, no person shall, in Prime Agricultural Areas as defined in the Middlesex Centre Official Plan (and shown on Schedule "A"):
 - a. use any land, buildings or structures for residential uses on a residential parcel severed from areas designated as Agriculture in Middlesex Centre's Official Plan (shown on Schedule "A") if a property owner has not first received consent from Middlesex Centre Council under section 53 of the Planning Act to sever a residential parcel of land as a result of farm consolidation by the date and time this By-law comes into force and effect.
2. The temporary freeze and prohibition on the recognition by Middlesex Centre Council of any use of land, buildings or structures for residential uses on residential parcels of land severed from areas designated as Agriculture in Middlesex Centre's Official Plan (shown on Schedule "A") which have not received consent to be severed as a result of farm consolidation by the date and time this By-law comes into force and effect, applies to all areas designated as Agriculture in Middlesex Centre's Official Plan (shown on Schedule "A"). During the temporary freeze, all land, buildings, and structures in areas designated as Agriculture in Middlesex Centre's Official Plan (shown on Schedule "A") may be used for residential uses that are permitted in Agricultural (A1) and Restricted Agricultural (A2) zones, however, no residential uses on new proposed to-be severed parcels in areas designated as Agriculture in Middlesex Centre's Official Plan (shown on Schedule "A") will be approved by Middlesex Centre Council during the temporary freeze.
3. No applications for Municipal Council to recognize residential uses on new proposed to-be severed parcels in areas designated as Agriculture in Middlesex Centre's Official Plan (shown on Schedule "A") will be received or processed by Staff after the date and time in which this By-law becomes effective and during the temporary

freeze. New applications for Municipal Council to recognize residential uses on new proposed to-be severed parcels in areas designated as Agriculture in Middlesex Centre's Official Plan (shown on Schedule "A") will be received and processed when this By-law or any extensions thereof are no longer in effect. All applications received to approve residential uses on proposed to-be severed parcels as a result of farm consolidation received after the date and time in which this By-law becomes effective shall be subject to planning instruments adopted by Municipal Council in light of the review and study, to be in place following the temporary freeze. During the temporary freeze, pre-consultations concerning residential uses on new potential to-be severed parcels in areas designated as Agriculture in Municipality of Middlesex Centre's Official Plan (shown on Schedule "A") may occur. Applications for Municipal Council to recognize residential uses on proposed to-be severed parcels in areas designated as Agriculture in Middlesex Centre's Official Plan which were received by Staff prior to the effective time and date of this By-law are exempt from the temporary freeze and shall be processed and decided upon by Municipal Council during the temporary freeze based on the in-force planning provisions as they existed prior to the temporary freeze.

4. The purpose of the temporary freeze and temporary prohibition on approval by Middlesex Centre Council of any use of land, buildings or structures for residential uses on residential parcels of land severed from lands designated as Agriculture in Middlesex Centre's Official Plan (shown on Schedule "A") which have not received consent to be severed as a result of farm consolidation by the date and time this By-law comes into force and effect is to provide time and breathing space for Middlesex Centre to:
 - a. undertake and conduct a land use review and study of the residence surplus as a result of farm consolidation planning policies that apply in Middlesex Centre, with a particular focus on pre-requisites for the occurrence of a farm consolidation; and
 - b. consider whether or not it may be necessary or prudent to modify the provisions set out in section 4.a. above;

to the end of:

- c. ensuring that no residential parcels are severed from areas designated as Agriculture in Middlesex Centre's Official Plan (shown on Schedule "A") prior to any provisions that may be necessary to ensure the protection of prime agricultural lands in Middlesex Centre are contained in the Middlesex Centre Official Plan; and
 - d. ensuring that all applications received to approve residential uses on proposed to-be severed parcels as a result of farm consolidation received after the date and time in which this By-law comes into effect will be subject to planning provisions adopted by Municipal Council in light of the review and study following the temporary freeze.
5. From a planning perspective, whether or not municipalities have clearly defined and sufficient residence surplus as a result of farm consolidation planning policies and consolidation pre-requisites is important, as those pre-requisites form part of the planning test which determines the approval or prohibition of residential uses on residential parcels severed from areas designated as Agriculture in Municipality of Middlesex Centre's Official Plan (shown on Schedule "A"), which are the prime agricultural lands in the Municipality. Pursuant to the Provincial Policy Statement 2020 ("PPS"), residential lots in prime agricultural areas are not permitted, except for an exception for severances as a result of farm consolidation recognized in section 2.4.4.1(c). There is no definition of 'consolidation' included in the PPS. A municipality's planning policies are impactful in determining whether or not a farm consolidation has or has not occurred for the purposes of approving land uses. Middlesex Centre's policies, included in section 10.3.2.1 of its Official Plan, provide for a broad overall scope of pre-requisites but lacks clear definition and qualifications for the occurrence of a consolidation. As confirmed by resolution of Middlesex

Centre Council on January 20, 2021, as part of Middlesex Centre's overall Official Plan review process, a review and study of the surplus as a result of farm consolidation planning policies that apply in Middlesex Centre, with a particular focus on pre-requisites for the occurrence of farm consolidations is being studied and whether or not it may be necessary or prudent to modify those provisions is being considered as part of the study. The Official Plan review is underway but is not expected to be completed until around the fall of 2021. Council believes it is necessary and prudent to place a freeze on the use of any land, buildings or structures for residential uses on residential parcels severed from areas designated as Agriculture in Middlesex Centre's Official Plan (shown on Schedule "A") if a property owner has not first received consent from Middlesex Centre Council to sever a residential parcel of land as a result of farm consolidation by the date and time this By-law comes into force and takes effect. In the event that residential uses on residential parcels severed from areas designated as Agriculture in Middlesex Centre's Official Plan (and shown on Schedule "A") were able to be recognized by Council during the temporary freeze prior to any provisions that may be necessary to ensure the protection of prime agricultural areas are in place, there would be risk of irreparable planning harm because surplus farm residence applications as a result of farm consolidation in prime agricultural areas could be received and approved, which: were not subject to ample consideration of necessary policies; allow for incompatible residential uses of a different character than Agricultural uses; may not preserve long-term viable farming; are contrary to Council's interpreted intent of the policy contained in Middlesex Centre's Official Plan; and/or which are otherwise inappropriate.

6. By adopting an Interim Control By-law to prohibit the use of any land, buildings or structures for residential uses on residential parcels of land severed from areas designated as Agriculture in Middlesex Centre's Official Plan (shown on Schedule "A"), if a property owner has not first received consent from Middlesex Centre Council to sever a residential parcel of land as a result of farm consolidation by the date and time this By-law comes into force and effect, Council places an immediate freeze on approval of any proposals that would allow residential uses on residential parcels of land severed from areas designated as Agriculture in Middlesex Centre's Official Plan (shown on Schedule "A") prior to any provisions that may be necessary to ensure the protection of lands designated Agriculture in Middlesex Centre's Official Plan (on Schedule "A"). This planning tool exists to allow municipal councils to enact and enforce regulations on the use of lands when, at municipal council's discretion, there is a need to address an immediate concern for which the municipality has identified a requirement for further study or analysis.
7. Accepting applications for approval for residential uses on severed parcels in areas designated as Agriculture in Middlesex Centre's Official Plan (shown on Schedule "A") during the temporary freeze would create confusion for applicants, the public, staff and Municipal Council when evaluating such applications in determining the appropriateness of permitting uses on prime agricultural lands that may be contrary to the PPS and would not protect prime agricultural lands. As a result, this By-law ensures that all applications to approve residential uses on new potential to-be severed parcels as a result of farm consolidation received after the date this By-law becomes effective will be subject to planning instruments adopted by Municipal Council in light of the review and study, to be in place following the temporary freeze. Applications to approve residential uses on new potential to-be severed parcels as a result of farm consolidation shall be treated as set out in section 3 of this By-law.
8. This By-law shall come into force and take effect immediately upon its passing and shall be in effect for one (1) year from its passing unless otherwise extended in accordance with Section 38 of the Planning Act or repealed by Municipal Council at an earlier date. An Interim Control By-law may be extended under certain circumstances allowing Municipal Council to place a temporary freeze on certain land uses while the larger Official Plan review is being completed. In the event the review and study is completed and any necessary planning provisions deemed necessary by Municipal Council are adopted by Municipal Council prior to the running of the temporary freeze, the Municipality will repeal this By-law.

PASSED AND ENACTED this 3rd day of February, 2021.

Aina DeViet, Mayor

James Hutson, Municipal Clerk