



Meeting Date: September 22, 2021

Submitted by: Dan FitzGerald MPI MCIP RPP, Planner

Report No: PLA-77-2021

Subject: Consent Application (B-19/2021), 13193 Twelve Mile Road

Recommendation:

THAT Consent Application B-19/2021, filed by Matthew and Allison Dale, in order to sever and convey as a lot addition a 1.65 acres (0.66 hectares) parcel of land from 13193 Twelve Mile Road, to an existing property known municipally as 13273 Twelve Mile Road, from a property legally described as Part of Lots 25 and 26, Concession 11, in the County of Middlesex, Municipality of Middlesex Centre; be GRANTED;

AND THAT Application for Consent B-19/2021 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the *Planning Act* shall be given within one year 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-19/2021, 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-19/2021 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 the lands to be severed be merged in the same name and title as the adjacent property known municipally as 13273 Twelve Mile Road 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.

AND FURTHER THAT the reasons for denying Consent Application B-19/2021 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
- Subject to the conditions, the proposal would comply with the Middlesex Centre Comprehensive Zoning By-law.

Purpose:

The purpose of this report is to provide Council with a recommendation in regards to an application to sever a parcel of land for lot addition purposes, to be merged with an abutting lot known municipally as 13273 Twelve Mile Road.

A location map is included as Attachment 1.

Background:

The subject property is located on the south side of Twelve Mile Road, west of the intersection at Twelve Mile Road and Hyde Park Road. The purpose and effect of the Application for Consent (File No.: B-19/2021) is to sever a parcel of land for lot addition purposes having an area of approximately 1.65 acres (0.66 hectares) to be merged with an abutting lot known municipally as 13273 Twelve Mile Road. The lot addition would add to an existing lot with an area of approximately 80.55 acres (32.6 hectares), making the combined lot area approximately 82.2 acres (33.2 hectares). The lands receiving the lot addition contain a single detached dwelling, an accessory building, agricultural land in crop production, and is serviced by private septic and well services. The land to be retained would be approximately 34 acres (13.7 hectares) and contain agricultural land.

The proposal is summarized below:

	'Lands to be severed and conveyed'	'Lands to be retained' 13193 Twelve Mile Road
Lot Frontage	0 metres (0 feet)	510 m (1,674.6 ft)

		Coldstream Road
Lot Depth	189.7 m (622.6 ft)	718.7 m (2,357.9 ft)
Lot Area	1.65 acres (0.66 hectares)	32.6 ha (80.5 ac)

Surrounding land uses are predominantly agricultural in nature. A sketch of the proposal is included as Attachment 2.

Policy Regulation:

The subject lands are designated Agricultural within the Middlesex Centre Official Plan and are zoned Restricted Agricultural (A2) within the Middlesex Centre Comprehensive Zoning By-law.

Provincial Policy Statement (PPS)

According to Section 3 of the Planning Act, as amended, decisions made by planning authorities “shall be consistent with” the PPS.

Section 2.3.1 of the PPS notes that *Prime agricultural areas* shall be protected for long-term use for agriculture.

Section 2.3.4.1 policies of the PPS notes that lot creation in *prime agricultural areas* is discouraged and may on be permitted 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;

Section 2.3.4.2 notes that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.

County of Middlesex 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

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

Section 10.3.2.1 notes that severances within agricultural areas will be prohibited, except under the following specific circumstances:

- 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.

Consultation:

Notice of the application has been circulated to agencies, as well as property owners in accordance to 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;

The Municipality's Public Works and Engineering Department has reviewed the subject application and if approved, recommend that as a condition of the subject application a drainage reassessment be required if necessary.

The Municipality's Chief Building Official has reviewed the subject application and has no further objections.

Analysis:

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

Both the subject lands and the abutting lands which would receive the conveyance are considered to be existing lots of record, meaning they were created prior to the adoption of the current Middlesex Centre Zoning By-law provisions and as such, are generally recognized as not meeting the typical lot area requirements for the Agricultural (A1) Zone or the Restricted Agricultural (A2) Zone. Both zones require a minimum lot area of 40.0 hectares. Both lots are intended to be used for agricultural purposes.

Staff note that the application proposed to alter the lot area size of both the subject lands and the abutting lands, which will no longer make them existing lots of record. A Minor Variance Application will be required as a condition in order to recognize the undersized agricultural parcels of land.

Planning Staff are of the opinion that the proposed lot addition can be considered a minor lot adjustment as it will result in no loss of agricultural land for crop production. There will be no physical changes in appearance to the lands as a result of the lot additional

proposal and the applicants have indicated that the intended purpose is simply to simplify the existing farming practices on both parcels, by straightening out the property lines and removing the existing 'jog'.

Given the above, planning staff are recommending that the subject application be approved subject to the conditions of this report.

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:

1. Location Map.
2. Proposed Severance Plan