

Meeting Date: August 6, 2024
Department: Building, By-law, and Planning
Report No.: BBP-2024-81
Submitted by: Erin Besch, Planner
Reviewed by: Tim Williams, Manager of Planning, County of Middlesex
Approved by: Jennifer Huff, Director of Building, By-law and Planning
Trisha McKibbin, Chief Administrative Officer

SUBJECT: **Applications for Official Plan Amendment (OPA 4-2024) and Zoning By-law Amendment (ZBA 10-2024) 9054 Skinner Drive Owners – James and Kristine Vanderheyden**

RECOMMENDATION: THAT: Report BBP-2024-73 regarding OPA 4-2024 and ZBA 10-2024 be received for information, and further;

THAT: Amendment No. 20 to the Official Plan of the Municipality of Strathroy-Caradoc (application OPA 4-2024) which would add a special policy area to the lands known municipally as 9054 Skinner Drive to permit the severance of a surplus farm dwelling that is 10-years of age be adopted and forwarded to the County of Middlesex for consideration and approval.

SUMMARY HIGHLIGHTS

- An Official Plan Amendment application has been submitted to allow the applicant to apply for a severance of a surplus farm dwelling that is 10 years old, whereas the Strathroy-Caradoc Official Plan requires a dwelling to have been built prior to January 1, 1999.
- The Official Plan Amendment application does not ‘approve’ the severance of a surplus farm dwelling, as that is an application that would go before the Committee of Adjustment. Rather, the Official Plan Amendment application allows for an application to be made to sever a surplus farm dwelling when the dwelling is at least 10 years old.
- OPA 14 updated the surplus farm dwelling policies to allow for the severance of dwellings that were constructed ‘at least 10-years prior’. However, OPA 14 is under appeal and not in effect.
- The Zoning By-law Amendment application proposes to rezone the lands to be retained from the ‘General Agricultural (A1) Zone’ to a site-specific ‘Agricultural Small Holdings

(A2-#) Zone’ and the lands to be severed from the ‘General Agricultural (A1) Zone’ to the ‘Agricultural Purposes Only (A3) Zone’.

- **No decision on the Zoning By-law Amendment is recommended at this time.**
- **No concerns or objections have been received.**

PURPOSE AND BACKGROUND

The purpose and effect of the Official Plan Amendment is to re-designate the subject lands from ‘Agricultural’ to ‘Agricultural – Special Policy Area No. 13’ to permit the applicant to make an application to sever a surplus farm dwelling that is at least 10-years old. Section 5.3.1.8 of the Strathroy-Caradoc Official Plan (SCOP) states that dwellings considered surplus to a farming operation may be severed from the balance of the farm provided the residential dwelling was built prior to ‘January 1, 1999’. As the dwelling was constructed in 2003, it does not qualify for a severance under the current SCOP policy.

While the severance application is on hold pending the approval of the Official Plan Amendment, a concurrent zoning application has also been made. The purpose of the Zoning By-law Amendment application is to rezone the lands to be retained from the ‘General Agricultural (A1) Zone’ to a site-specific ‘Agricultural Small Holdings (A2-#) Zone’ and the lands to be severed from the ‘General Agricultural (A1) Zone’ to the ‘Agricultural Purposes Only (A3) Zone’. No change to the lands zoned ‘Environmental Protection (EP) Zone’ is proposed.

As the applicant is not yet able to apply for a severance, staff consider the rezoning application premature, and no decision will be required until after a severance is conditionally approved. However, for the sake of time and clarity, the applicant requested the statutory public meeting for the rezoning be held concurrent to the public meeting for the Official Plan Amendment. If a severance is approved, staff will bring a rezoning recommendation report to Council for a decision at a later date. It would be inappropriate to re-zone lands that have not yet received conditional severance approval.

The subject lands are located north of Skinner Drive, east of Aberdeen Road, and comprises 40.56 ha (100.2 ac) of agricultural land. The lands contain a single detached dwelling constructed in 2003, a detached garage, storage shed and a barn. Surrounding lands uses are primarily agricultural and rural residential in nature, with Highway 402 located approximately 618 m to the west of the subject lands. The location of the subject lands is shown on the Location Map, attached below.

POLICY AND REGULATION BACKGROUND

The lands are located within a ‘Prime Agricultural Area’ as defined by the 2020 Provincial Policy Statement and within the ‘Agricultural’ designation of the County and Strathroy-Caradoc Official Plan. The lands are currently located within the ‘General Agricultural (A1) Zone’ and ‘Environmental Protection (EP) Zone’ of the Strathroy-Caradoc Zoning By-law.

The Provincial Policy Statement (PPS), County Official Plan and Strathroy-Caradoc Official Plan permit lot creation in agricultural areas for a residence surplus to a farming operation as a result of farm consolidation.

The newly updated County Official Plan states in Section 4.5.3.4 a) that consents to sever a residence surplus to a farming operation as a result of farm consolidation may be permitted, provided the residence was built at least **10-years prior**, the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services, and that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.

Section 5.3.1.8 of the Strathroy-Caradoc Official Plan states that, “dwellings considered surplus to a farming operation as a result of farm consolidation may be severed from the balance of the farm provided the residential dwelling was built prior to January 1, 1999.”

The Strathroy Caradoc Official Plan was updated through OPA 14 in 2022. The purpose of this Amendment was to update the Official Plan to ensure that the land use planning policies are current, reflect Provincial legislation and policy, have regard for matters of Provincial interest and any guideline documents, are consistent with the Provincial Policy Statement (PPS), and reflect changing community needs for the next 25-years. The most significant and relevant update to the Plan was the change to the date of construction for eligible surplus farm dwellings from ‘January 1, 1999’ to a rolling date of ‘at least 10 years prior to the date of the application’. Staff note that as OPA 14 is currently under appeal, the updated policies are not in effect for this application.

The ‘Agricultural Small Holdings (A2) Zone’ is intended to recognize lots created by surplus farm dwelling consents and existing undersized agricultural lots. The ‘A2’ Zone requires a minimum lot area of 0.4 ha (0.98 ac) and a minimum lot frontage of 30 m (98 ft).

The ‘Agricultural Purposes Only (A3) Zone’ applies to farm lots in the ‘Agricultural’ designation which have been zoned to prohibit residential uses on the parcel. The prohibition exists as a result of a condition of a severance, to ensure that agricultural lands are preserved for agricultural uses and to maintain conformity with the Provincial, County and Local land use policies. While a wide variety of agricultural uses are permitted, those uses that are associated with residential use are expressly prohibited. The ‘A3’ zone requires a minimum lot area of ‘as it existed on the day the residential use was discontinued’ and a minimum lot frontage of 150 m.

CONSULTATION

The application has been circulated to agencies and the public in accordance with the requirements of the Planning Act.

At the time of writing the subject report, the following comments were received:

The Director of Building & Planning advised of no objections to the proposal.

No comments have been received by the public.

ANALYSIS

The subject lands are located in the Prime Agricultural Area as defined by the Provincial Policy Statement and identified by the County of Middlesex Official Plan. Locally, the land is within the

'Agricultural' designation of the Strathroy-Caradoc Official Plan. The lands are located within the 'General Agricultural (A1) Zone' of the Strathroy-Caradoc Zoning By-law.

The Provincial Policy Statement, the County of Middlesex Official Plan and the Strathroy-Caradoc Official Plan all provide policies that permit the severance of farm dwellings that have been deemed surplus to the needs of the farming operation through farm consolidation. The County of Middlesex Official Plan further qualifies that these dwellings need to have been built 'at least 10-years prior' to the date of severance. The subject lands contain a dwelling that was constructed in 2003, which would meet the required age of 'at least 10-years prior'.

Section 5.3.1.8 of the Strathroy-Caradoc Official Plan states that dwellings considered surplus to a farming operation may be severed from the balance of the farm provided the residential dwelling was built prior to 'January 1, 1999'. OPA 14 amended the date of construction for surplus farm dwellings from 'January 1, 1999' to a rolling date of 'at least 10-years prior to the date of the application', which was reflective of the change to the County Official Plan. However, OPA 14 is currently under appeal, which means the dwelling construction date of 'January 1, 1999' still applies.

Based on the foregoing, this Amendment is consistent with the Provincial Policy Statement and in conformity with the County of Middlesex Official Plan. Staff note that there is language in the Planning Act that speaks to where the local Official Plan has not yet been updated to reflect an amended County Official Plan, that the County Official Plan prevails to the extent of the specific issue.

As previously mentioned, a severance application cannot be made without a supportive Official Plan Amendment being in full force and effect and a zoning by-law amendment would be premature until such time as a severance is conditionally approved. Therefore, while staff are generally supportive of the proposed rezoning, staff consider the zoning application premature, and no decision is recommended at this time. If a severance is approved with a condition that the lands be appropriately rezoned, staff will bring a rezoning recommendation report to Council for a decision.

STRATEGIC PLAN ALIGNMENT

This matter is in accord with the following strategic priorities:

- 1) *Economic Development, Industry and Jobs*: Strathroy-Caradoc will have a diverse tax base and be a place that offers a variety of economic opportunities to current and prospective residents and businesses.
- 2) *Managing the Challenges of Growth for the Municipal Organization*: Strathroy-Caradoc will be an inclusive community where growth is managed to accommodate a range of needs and optimize municipal resources. We are committed to maintaining operational efficiency and economies of scale through these times of change.

SUMMARY AND NEXT STEPS

In regard to the proposed Official Plan Amendment, staff are supportive of the proposed official plan amendment as it is considered to be consistent with the Provincial Policy Statement, in conformity with the County of Middlesex Official Plan, Strathroy-Caradoc Official Plan and constitutes good planning.

In regard to the proposed Zoning By-law Amendment, staff recommend Council accept the subject report for information. If a consent application is approved for the severance of the surplus dwelling, a subsequent report regarding the rezoning will be provided to Council. The report will include a full policy analysis and responses to comments received related to the zoning by-law amendment application, as well as provide recommendations for Council's consideration.

FINANCIAL IMPLICATIONS

None

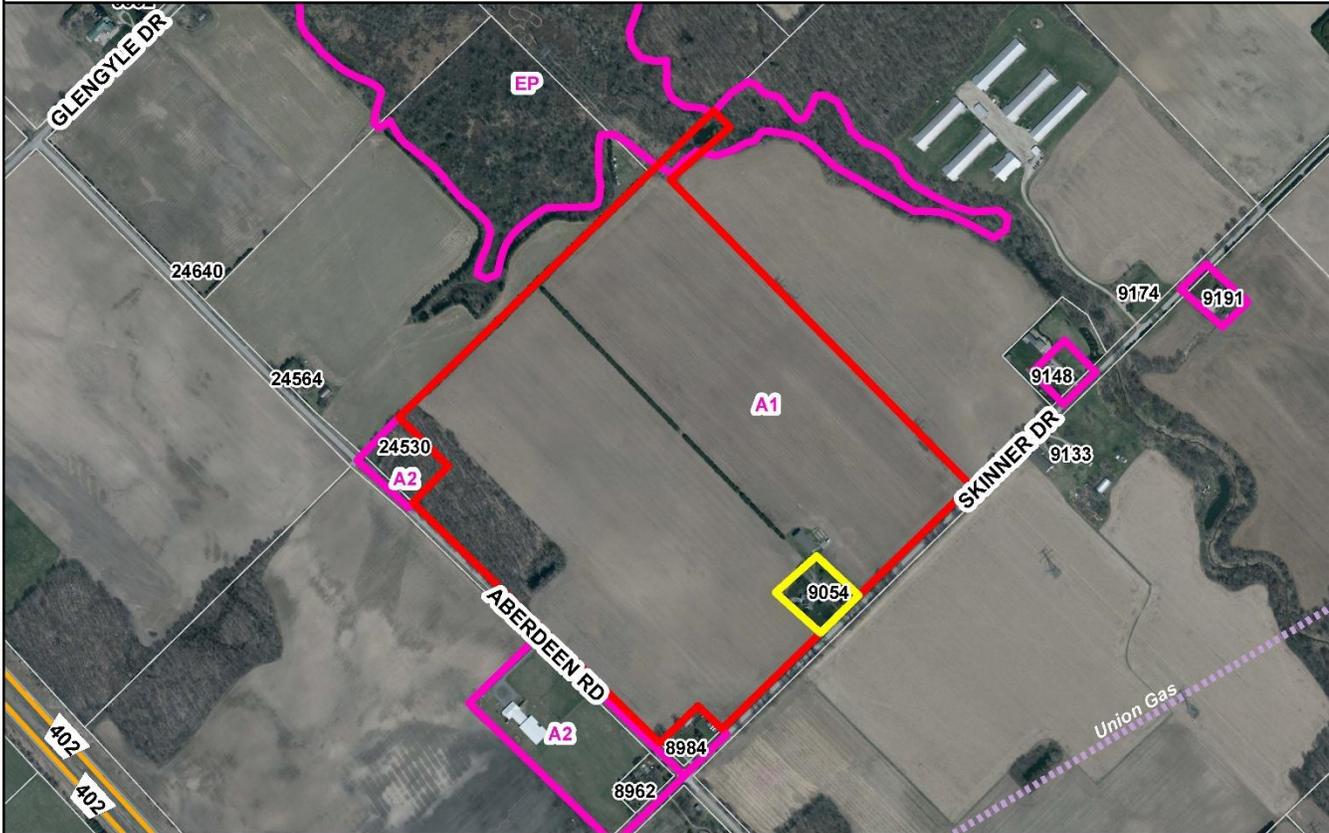
ATTACHMENTS

Location Map

Location Map



Location Map - Full Extent
OPA4-2024 & ZBA10-2024: 9054 Skinner Dr.
Owner: James & Kristine Vanderheyder



Legend

-  Lands subject to Special Agricultural Policy Area and to be rezoned from 'General Agricultural (A1) Zone' to the 'Agricultural Purposes Only (A3) Zone'
-  Lands subject to Special Agricultural Policy Area and to be rezoned from 'General Agricultural (A1) Zone' to a site-specific 'Agricultural Small Holdings (A2-#) Zone'
-  Zone Boundary