

Meeting Date: September 16, 2024
Department: Building, By-law and Planning
Report No.: BBP-2024-107
Submitted by: Erin Besch, Planner
Reviewed by: Tim Williams, Manager of Planning, County of Middlesex
Approved by: Jennifer Huff, Director of Building and Planning
Trisha, McKibbin, Chief Administrative Officer
SUBJECT: **Application for Zoning By-law Amendment (ZBA-11-2024)**
8824 Falconbridge Drive
Owner: D. Brunet Farms Ltd. c/o Robert Brunet
Agent: LDS Consultants Inc.

RECOMMENDATION: THAT: Council receive report BBP-2024-107 Application for Zoning By-law Amendment - 8824 Falconbridge Drive for information, and further;

THAT: Zoning By-law Amendment Application ZBA 11-2024 be approved.

SUMMARY HIGHLIGHTS

- **The application satisfies a condition of consent for a Surplus Farm Dwelling Severance.**
- **The applicant is proposing to rezone from the ‘General Agricultural (A1) Zone’ to a site-specific ‘Agricultural Purposes Only (A3-11) Zone’ and a site-specific ‘Agricultural Small Holdings (A2-39) Zone.’**
- **The retained parcel will require amendment to the provisions of the A3 zone to recognize the setback of the metal clad barns to the new property line, as well as to prohibit livestock within these structures.**
- **The severed parcel will require amendment to the provisions of the A2 zone to recognize the residential nature of the lot and to restrict permitted uses.**
- **No concerns or objections have been identified with the application by staff or agencies.**

BACKGROUND:

A zone change application has been submitted to satisfy a condition of consent respecting Consent Application File No.: B15-2022. The consent application proposed the severance of a dwelling surplus to a farm operation as a result of a farm consolidation. The application was conditionally approved by the Committee of Adjustment on November 3, 2022. The subject zone change application proposes to re-zone the ‘lands to be severed’ to a site-specific ‘Agricultural Small Holdings (A2-39) Zone’ and to re-zone the ‘lands to be retained’ to a site-specific ‘Agricultural Purposes Only (A3-11) Zone’ in order

to satisfy one of the consent conditions. The lands within the 'Environmental Protection (EP) Zone' are not proposed to be changed.

The subject lands comprise approximately 49.23 ha (121.65 ac) of agricultural land located on the north side of Falconbridge Drive between Adelaide Road and Springwell Road in the former Township of Caradoc. Surrounding land uses are predominately agricultural and rural residential in nature. Falconbridge Drive is classified as a 'local road' under the jurisdiction of the Municipality of Strathroy-Caradoc.

The severed lands, being the residential lot, are approximately 0.43 ha (1.1 ac) in size and contain a single detached dwelling on private services. Access to the dwelling is via a newly constructed driveway off Falconbridge Drive. The retained lands also contain a provincially significant wetland and area regulated by the Upper Thames River Conservation Authority. Staff note that a registered hydro easement is located across both the severed and retained lands, and is identified as 'Part 2' on the attached survey plan.

The retained farm parcel is approximately 48.8 ha (120.6 ac) in area and contains three agricultural storage buildings and two solar panels. Access to the structures is via an existing driveway that has been realigned to be wholly contained on the retained lands. The remainder of the land is in agricultural production. Staff note that a site-specific 'A3' zone is proposed to recognize the side yard width of 3 m (9.8 ft) between the northern-most shed and the new residential lot line, whereas a minimum of 5 m (16.4 ft) is required in the 'A3' zone.

POLICY AND REGULATION BACKGROUND:

The lands are located within a 'Prime Agricultural Area' as defined by the 2020 Provincial Policy Statement. It is noted that an updated Provincial Planning Statement has been approved and has an implementation date of October 20, 2024. Although the proposed application is generally consistent with the updated PPS, the policies are not determinative for this application.

The lands are within the 'Agricultural' designation of the County and Strathroy-Caradoc Official Plans. The lands are currently zoned 'General Agricultural (A1) Zone' and 'Environmental Protection (EP) Zone' within the Strathroy-Caradoc Zoning By-law.

The Provincial Policy Statement, the County and the Local Official Plan permit lot creation in agricultural areas for a residence surplus to a farming operation as a result of a farm consolidation provided a number of criteria are met.

The current 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." It further states, "The loss of productive agricultural land shall be minimized to the greatest extent possible taking into account the location of the dwelling, accessory buildings, driveway, on-site water supply and sanitary waste disposal system". Other matters include adequacy of water supply, sanitary waste facilities, vehicular access, proximity to livestock operations and lot frontage / depth and size shall be suitable for the intended use of surplus farm dwelling lot and shall comply with the Zoning By-law. In addition,

the remnant farm parcel resulting from the surplus farm dwelling severance will be prohibited from accommodating any new dwelling.

Section 5.3.1.8 (g) of the Strathroy-Caradoc Official Plan states that, “farm buildings deemed to be surplus to the needs of the farm or which may be incompatible with the disposal of a surplus dwelling may be required to be demolished or removed as a condition of consent.” It also indicates that where such buildings are structurally sound, have potential for alternative and compatible uses and / or are more likely to be maintained, they may be severed along with the surplus dwelling.

The Strathroy Caradoc Official Plan has been updated through OPA 14 in 2022. The purpose of this Amendment is 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 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’. OPA 14 is currently under appeal, and while the proposed rezoning is generally consistent with the updated policies, they are not determinative 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 ‘A3’ zone requires a minimum lot area of ‘as it existed on the day the residential use was discontinued’, a minimum lot frontage of 150 m, and a minimum side yard width of 5 m (16.4 ft).

CONSULTATION:

Notice of the application has been circulated to agencies as well as property owners, and a notice sign has been posted on the property as per the Planning Act.

At the time of writing the subject report, the following comments from agencies have been received:

The Director of Building and Planning has recommended that the uses on the property rezoned to A2 be restricted to residential and accessory purposes only. This would ensure the accessory buildings (current or future) will not contain livestock in accordance with Minimum Distance Separation setbacks.

The Upper Thames River Conservation Authority advised the subject lands are regulated by the UTRCA due to the presence of a wetland feature and its surrounding 30m area of interference. The UTRCA has no objections to the Zoning By-law Amendment as it is a condition of a Consent application in which the UTRCA previously had no objections to; and the wetland currently zoned Environmental Protection (EP) Zone will not be affected by the rezoning.

No comments or concerns from the public have been received at the time of preparing this report.

ANALYSIS:

The application for consent proposes to create a new rural residential lot resulting from a farm consolidation, in accordance with the surplus farm dwelling policies of the PPS, Middlesex County Official Plan, and Strathroy-Caradoc Official Plan. It is noted that the severance meets the criteria for a surplus farm dwelling in accordance with the Middlesex County Official Plan (s.4.5.3.4) and Strathroy-Caradoc Official Plan (s.5.3.1.8).

Staff are satisfied that the configuration of the severed residential parcel represents a reasonable size necessary to accommodate the dwelling and private services. The proposed site-specific 'Agricultural Small Holdings (A2-39) Zone' will limit the permitted uses to residential and accessory uses and prohibit livestock. Staff note that prohibiting livestock on a surplus dwelling lot is appropriate, as the lot is generally small in size and compatibility concerns can develop between livestock and well water quality, as they would be in close proximity.

Therefore, staff are of the opinion that this rezoning is appropriate, as the lot meets the provisions of the 'A2' zone and conforms to Section 5.3.1.8 of the Strathroy-Caradoc Official Plan.

The retained farmland is proposed to be rezoned to the site-specific 'Agricultural Purposes Only (A3-11) Zone' to prohibit future residential uses on the lands and recognize the deficient side yard setback to the existing metal clad barn. Staff are of the opinion that this rezoning will satisfy the condition of consent B15-2022 and will meet the intent of the Official Plans and PPS policies. The residential lot boundaries were determined by the existing tree line to the north of the dwelling and to ensure the farmland could retain the existing access to the agricultural buildings. Staff are of the opinion that the 3 m width is adequate separation between the metal barn and the new lot line, as the applicant is required to remove access to the barn from the residential lot, and there is room around the structure for maintenance and drainage.

Finally, staff recommend a provision to prohibit livestock within the existing agricultural buildings on the retained lands, as the structures would not meet the minimum distance separation (MDS II) setback from the new property line.

SUMMARY:

In summary, staff are supportive of the proposed rezoning as it is considered to be consistent with the Provincial Policy Statement; conforms to the Official Plans of both the County of Middlesex and the Municipality of Strathroy-Caradoc; and represents sound land use planning.

ALTERNATIVE(S) TO THE RECOMMENDATION:

Planning Staff have provided their recommendation however there are alternative options to this recommendation:

1. THAT: the subject report BBP-2024-107 for ZBA 11-2024 be received for information and the application for Zoning By-law Amendment be deferred sine die.;

2. THAT: the subject report BBP-2024-107 for ZBA 11-2024 be received for information and the application for Zoning By-law Amendment be denied.; OR
3. THAT: the subject report BBP-2024-107 for ZBA 11-2024 be received for information.

AND THAT: Council to provide alternate direction.

STRATEGIC PLAN ALIGNMENT:

This matter is in accord with the following strategic priorities:

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.

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.

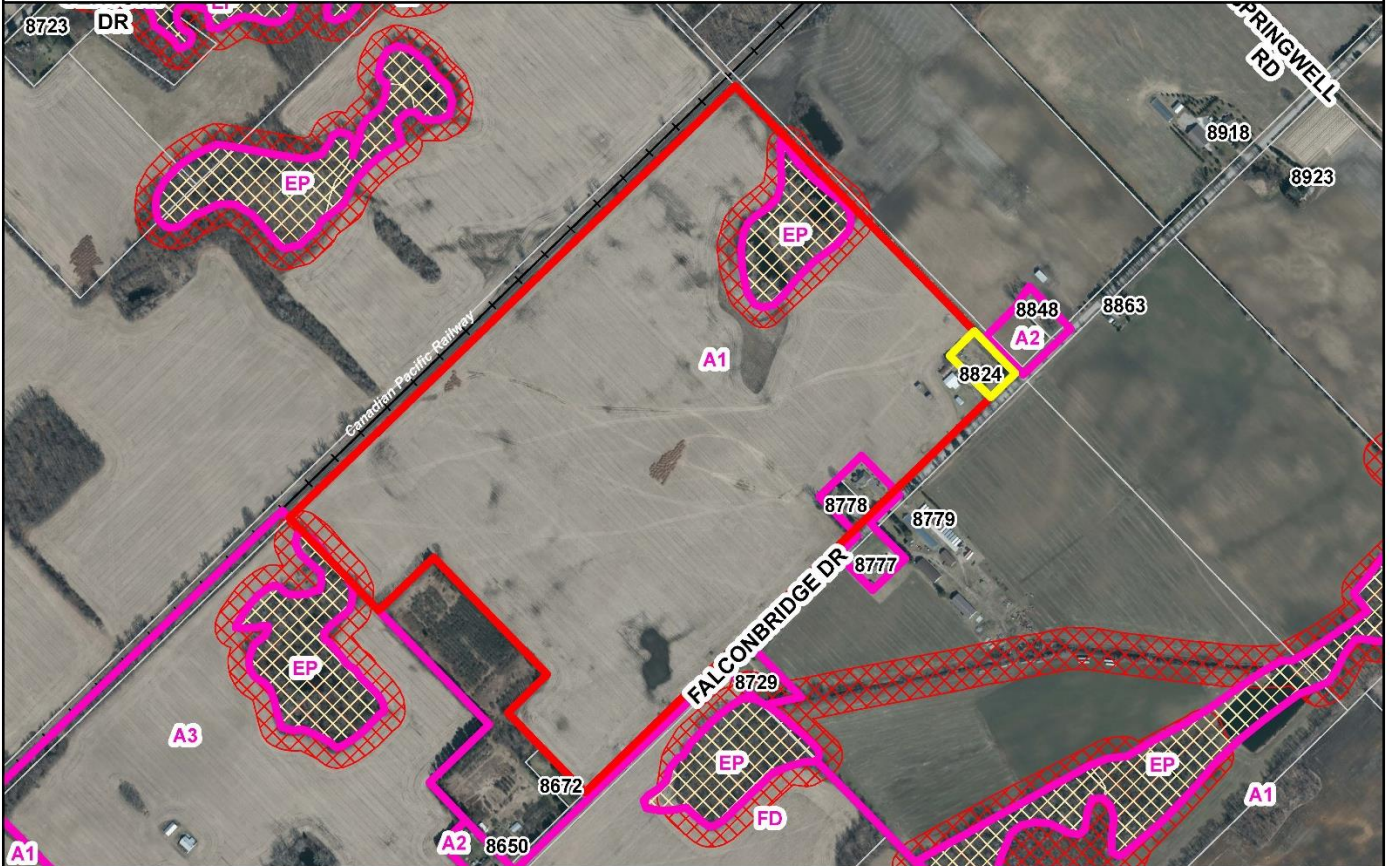
ATTACHMENTS:

Location Map
Survey Plan





Location Map



Location Map - Full Extent
 ZBA 11-2024: 8824 Falconbridge Drive
 Owner: D. Brunet Farms Ltd. c/o Robert Brunet
 Agent: LDS Consultants Inc.

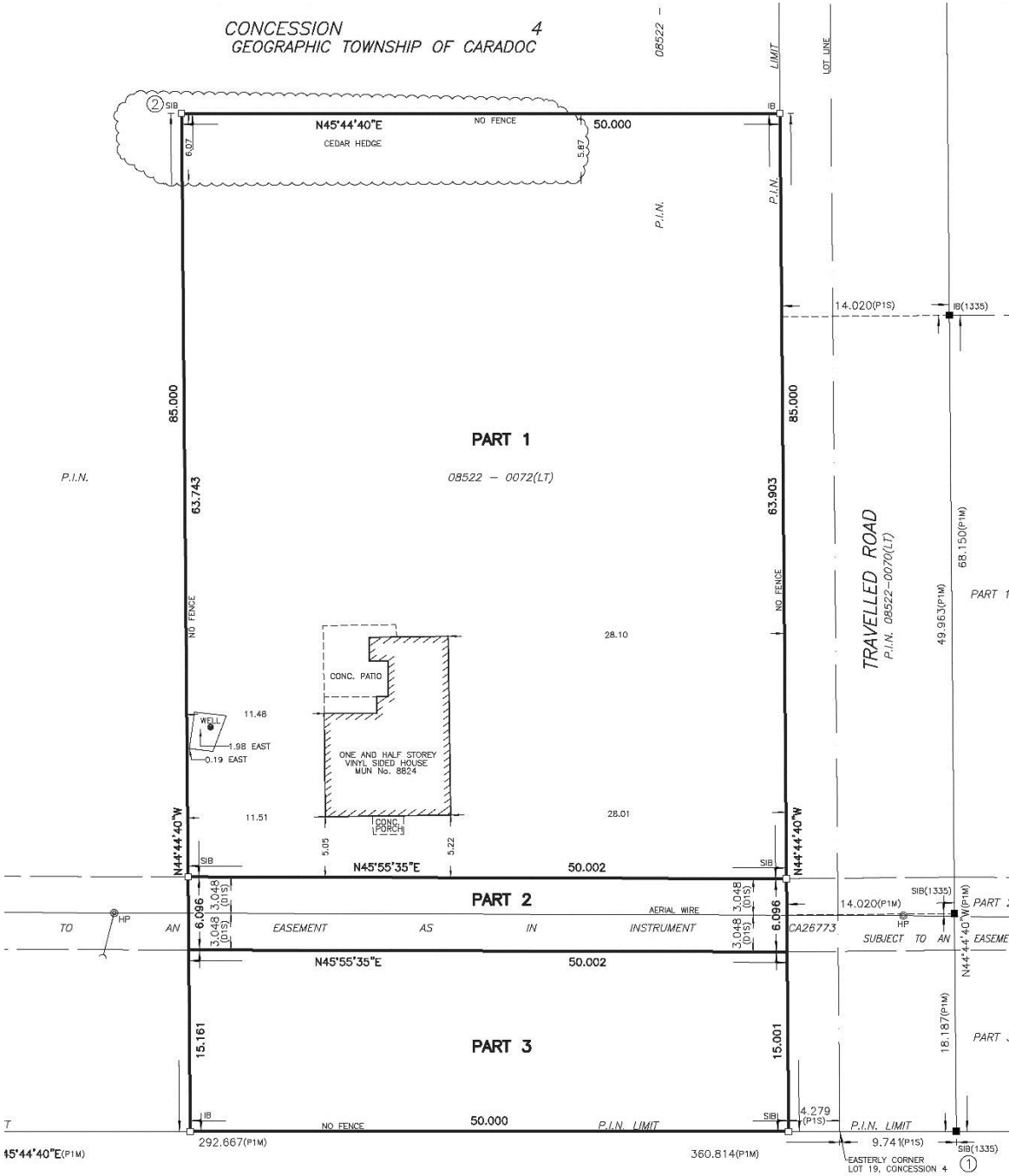


Legend

-  Lands subject to be rezoned from 'General Agricultural (A) Zone' to a site-specific 'Agricultural Small Holdings (A2-39) Zone'
-  Lands subject to be rezoned from 'General Agricultural (A) Zone' to a site-specific 'Agricultural Purposes Only (A3-11) Zone'
-  Zone Boundary
-  Conservation Authority Boundary

Survey Plan

CONCESSION
GEOGRAPHIC TOWNSHIP OF CARADOC 4



Known as FALCONBRIDGE DRIVE
ROAD ALLOWANCE BETWEEN CONCESSIONS 3 AND 4