



COMMITTEE OF ADJUSTMENT Planning Staff Report

Meeting date: November 7, 2024
Department: Building, By-law and Planning
Report No.: BBP-2024-133
Submitted by: Erin Besch, Planner
Reviewed by: Tim Williams, Manager, County of Middlesex
Approved by: Jake DeRidder, Senior Development Coordinator/Acting Secretary-Treasurer
SUBJECT: **Application for Consent (B18-2024) – 7859 Parkhouse Drive**
Owners: Amanda and Luke Fawcett

RECOMMENDATION: THAT: Application for Consent B18-2024 be denied.

PURPOSE:

The purpose of this application is to sever a surplus farm dwelling from a larger farm parcel as a result of farm consolidation. The owner is proposing to retain the residential lot and convey the farmland to a farming operation owned by Darryl Boersma.

BACKGROUND:

The subject property as a whole is located on the south side of Parkhouse Drive, west of Christina Road (see Location Map). The lands are approximately 40.21 ha (99.36 ac), with approximately 604 m (1,983 ft) of frontage along Parkhouse Drive.

The proposed lands to be retained are approximately 0.99 ha (2.45ac) in size, with approximately 85 m (278.9 ft) of frontage along Parkhouse Drive. The lands contain a single detached dwelling that is privately serviced, and a storage barn. The applicant has advised that the septic system and well are wholly located on the retained lot. The existing dwelling was constructed in 2018 and replaced the original farm dwelling that was constructed in the early 1900s.

The proposed lands to be severed are approximately 39.2 ha (96.9 ac) in size, with approximately 519 m (1,702.8 ft) of frontage along Parkhouse Drive. The retained parcel contains primarily land in agricultural production. It also contains a portion of 'significant woodlands' per the Middlesex Natural

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Heritage Systems Study (2014), and an irrigation pond, a portion of which is regulated by the St. Clair Region Conservation Authority.

Parkhouse Drive is classified as a 'local road' under the jurisdiction of the Municipality of Strathroy-Caradoc. Surrounding land uses are predominantly agricultural and rural residential in nature.

POLICY AND REGULATION BACKGROUND:

The lands are located within a 'Prime Agricultural Area' as defined by the 2024 Provincial Planning 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' of the Strathroy-Caradoc Zoning By-law.

The Provincial Planning Statement (PPS), County of Middlesex 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.

Section 4.5.3.4 of the County Official Plan indicates 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." 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.

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 states that "Proximity to the surplus dwelling and proposed lot lines, compliance with the Minimum Distance Separation (MDS) Formula and the heritage quality, structural condition and proposed use of the farm buildings shall be governing factors as to whether demolition or removal will be required."

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 Planning 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'. Staff note that OPA 14 is currently under appeal and the updated policies 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 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:

Notices have been circulated to agencies and the public in accordance with the requirements of the *Planning Act*. At the time this report was completed, the following comments were received:

The Senior Development Coordinator has recommended that a condition of approval be included requiring a drainage reapportionment, if determined to be necessary.

The County Safety and Standards Officer provided the following comments:

- 1) That the lands to be retained retain the existing 911 property address of 7859 Parkhouse Dr and the property owner is to ensure the 911 is posted to municipal standards, maintained, visible and unobstructed so emergency responders can easily identify the 911 property address from the road allowance when responding from either direction on Parkhouse Dr.
- 2) That the severed lands be given a proposed 911 property address submitted to the Municipality of Strathroy-Caradoc in consultation with the County of Middlesex for approval.
- 3) If the proposed 911 property address is approved for the severed lands the property owner shall install the approved 911 property address at the main entrance to the severed lands and to municipal standards so it is maintained, visible and unobstructed so emergency responders can easily identify the 911 property address from the road allowance when responding from either direction on Parkhouse Dr.

St. Clair Region Conservation Authority advised that portions of the subject property are regulated by the Conservation Authority under Ontario Regulation 41/24. The proposed severed lot is entirely outside the regulated area. SCRCA has no concerns with the proposed application. Any future development and/or site alteration within the regulated area on the retained lot will require written permission from the Conservation Authority under Ontario Regulation 41/24.

At the time of preparing this report, no concerns or comments have been received from the public.

ANALYSIS:

With respect to the County and the local Official Plan, farm consolidation appears to have been achieved in that the lands are part of a larger operation, which includes at least one additional farm parcel and one additional farmhouse.

Regarding the current dwelling, the structure was built in 2018 and replaced the original farmhouse that was built in the early 1900s. The County Official Plan requires surplus farm dwellings to have a minimum construction age of 'at least 10-years prior' to the date of application. Further, the Strathroy-Caradoc Official Plan requires a construction date of 'January 1, 1999'. Although this date has been updated to be in line with the County requirement through OPA 14, it is under appeal and not currently in effect. The intent of the age policy is to ensure landowners don't build houses on agricultural land just to sever them off. Therefore, the dwelling proposed to be severed does not meet either the County or Strathroy-Caradoc Official Plan age requirements to qualify for this type of severance. As this criterion has not been satisfied, planning staff are unable to support the application.

That being said, staff are of the opinion that the retained parcel size is appropriate to include all well and septic services on site, as well as all utility services. As the residential parcel would be smaller than 1 ha, it would continue to be subject to the accessory structure size requirement regulations for 'A2' parcels.

CONCLUSION:

Based on the above analysis, it is recommended that the application for consent under Section 53 of the *Planning Act* be **denied** as the application does not conform to the Official Plans of both the Municipality of Strathroy-Caradoc and the County of Middlesex.

ATTACHMENTS

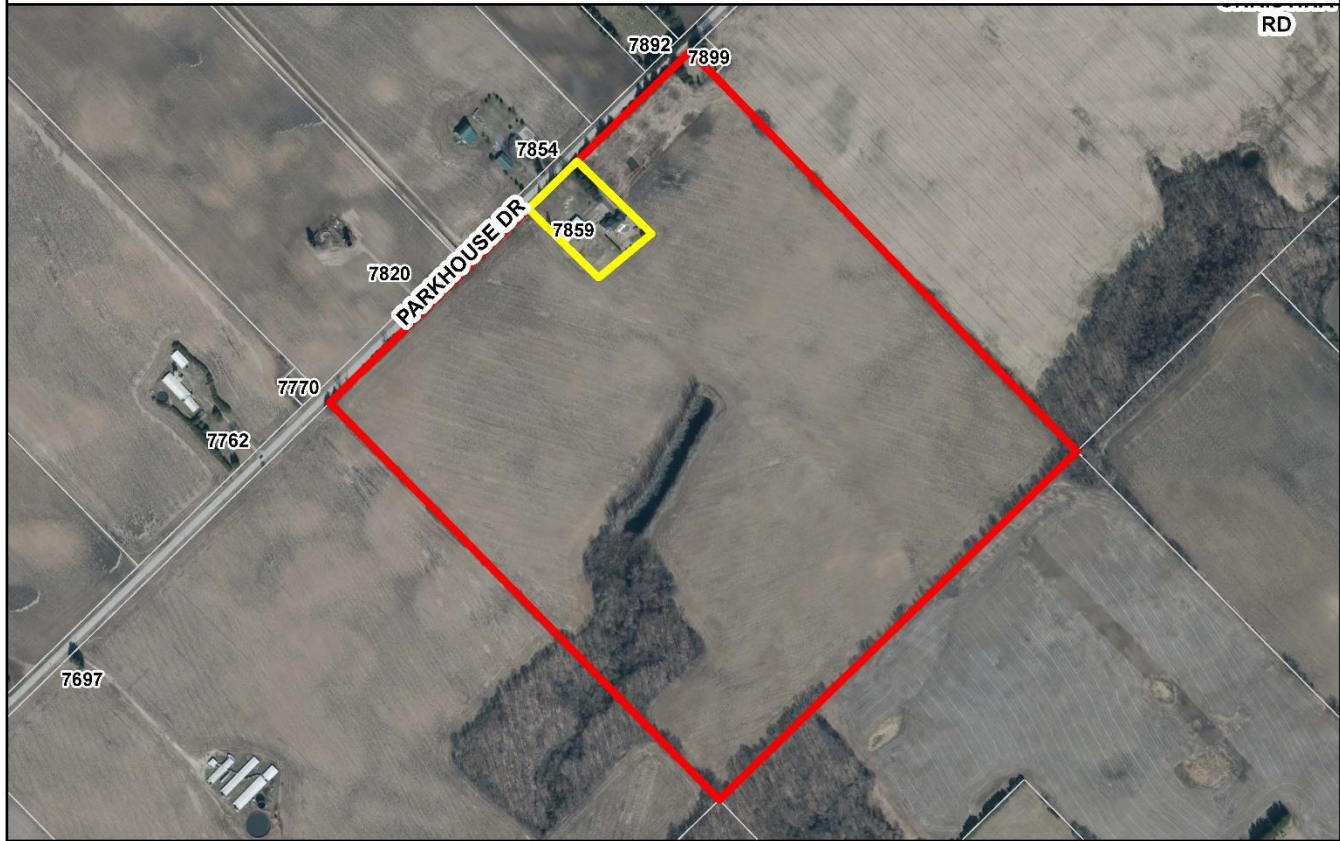
Location Map – Full Extent

Location Map – Residential Lot

Location Map – Full Extent





Location Map - Full Extent
B18-2024: 7859 Parkhouse Drive
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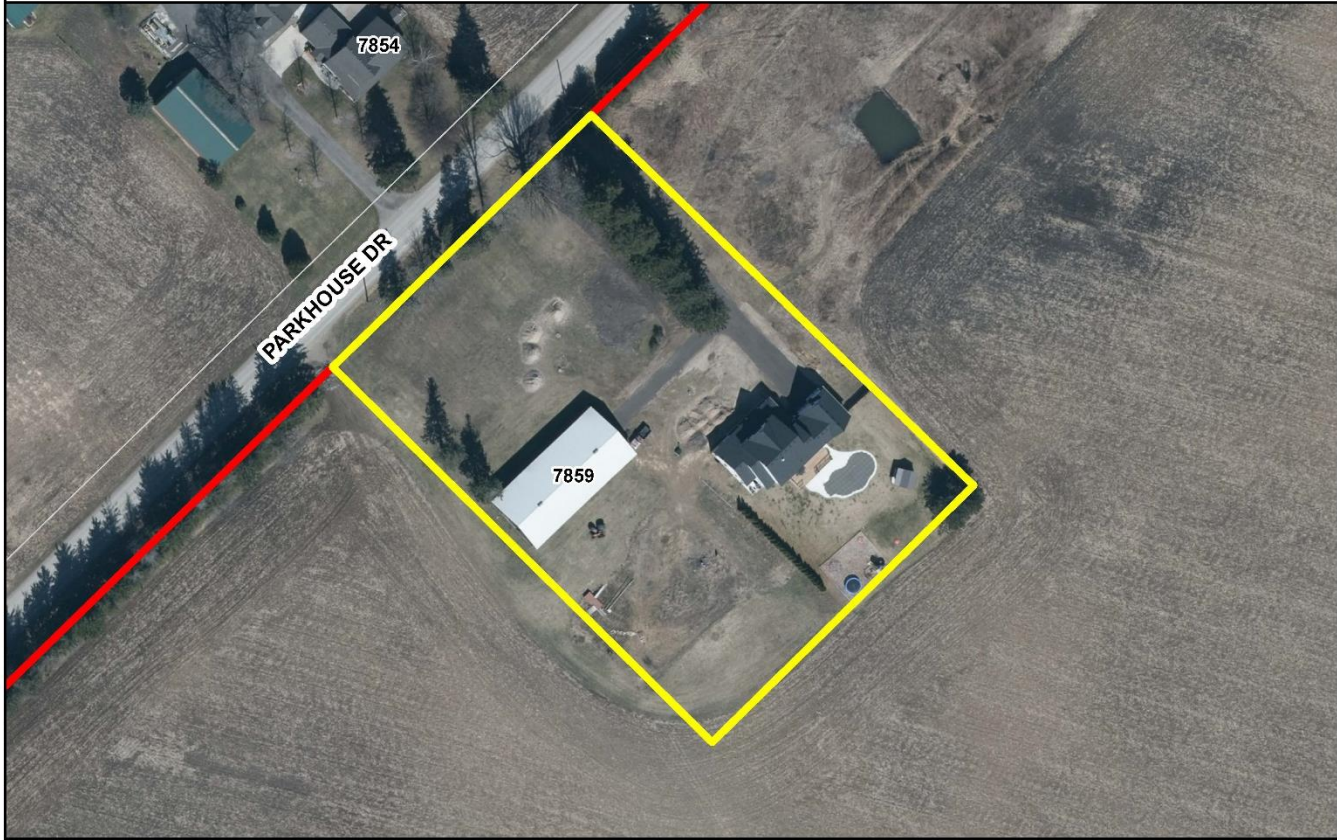
Legend

-  Lands to be Severed
-  Lands to be Retained



Location Map – Residential Lot



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