

Meeting Date: November 18, 2024
Department: Building, By-law and Planning
Report No.: BBP-2024-127
Submitted by: Erin Besch, Planner
Reviewed by: Tim Williams, Manager of Planning, County of Middlesex
Jake DeRidder, Senior Development Coordinator
Approved by: Trisha, McKibbin, Chief Administrative Officer

SUBJECT: **Application for Zoning By-law Amendment (ZBA18-2024)**
6743 Olde Drive
Owner: Merrick Farms Ltd.

RECOMMENDATION: THAT: Report BBP-2024-127 regarding rezoning application ZBA 18-2024, be received for information; and further,
THAT: By-law 110-24 be referred to the Consideration of By-laws Section of the Agenda for consideration and approval.

PURPOSE:

The purpose of the Zoning By-law Amendment application is to rezone the lands to be severed from the 'General Agricultural (A1) Zone' to a site-specific 'Agricultural Small Holdings (A2-41) Zone' and the lands to be retained from the 'General Agricultural (A1) Zone' to the 'Agricultural Purposes Only (A3) Zone'.

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 the 'Agricultural Purposes Only (A3) Zone' and a site-specific 'Agricultural Small Holdings (A2-41) Zone.'**
- **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.: B22-2023. 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 February 1, 2024. The subject zone change application proposes to re-zone the 'lands to be severed' to a site-specific 'Agricultural Small Holdings (A2-41) Zone' and to re-zone the 'lands to be retained' to the 'Agricultural Purposes Only (A3) Zone' in order to satisfy one of the consent conditions.

The subject land comprises approximately 33.25 ha (82.2 ac) of agricultural land located on the south side of Olde Drive, east of Melbourne Road (County Road 9) in the former Township of Caradoc. Olde 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.

The severed lands, being the residential lot, are approximately 0.45 ha (1.1 ac) in size and contain a single detached dwelling on private services and a garden shed. Access to the dwelling is via an existing driveway off Olde Drive. The applicant has advised that the septic system and well are wholly located on the severed lot.

The retained farm parcel is approximately 32.8 ha (81.05 ac) in area and contains primarily land in agricultural production. The subject lands also contain a municipal drain that is regulated by the St. Clair Region Conservation Authority, and a segment of woodlot that has been identified as 'significant woodlands' within the Middlesex Natural Heritage Systems Study (2014).

POLICY AND REGULATION BACKGROUND:

The lands are located within a 'Prime Agricultural Area' as defined by the 2024 Provincial Planning Statement. The lands are within the 'Agricultural' designation of the County and Strathroy-Caradoc Official Plans. The lands are currently zoned 'General Agricultural (A1) Zone' within the Strathroy-Caradoc Zoning By-law.

The Provincial Planning 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.

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.

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 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’. 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 Senior Development Coordinator 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 St. Clair Region Conservation Authority advised of no concerns with the application.

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 'Agricultural Small Holdings (A2-41) Zone' will limit the permitted uses to residential and accessory uses.

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 'Agricultural Purposes Only (A3) Zone' to prohibit future residential uses on the lands. Staff are of the opinion that this rezoning will satisfy the condition of consent B22-2023 and will meet the intent of the Official Plans and PPS policies.

SUMMARY:

In summary, staff are supportive of the proposed rezoning as it is considered to be consistent with the Provincial Planning 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-2024-127 for ZBA 18-2024 be received for information and the application for Zoning By-law Amendment be deferred sine die.;
2. THAT: the subject report BBP-2024-127 for ZBA 18-2024 be received for information and the application for Zoning By-law Amendment be denied.; OR
3. THAT: the subject report BBP-2024-127 for ZBA 18-2024 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.

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

Location Map

Location Map

