



COMMITTEE OF ADJUSTMENT Planning Staff Report

Meeting date: September 4, 2025
Department: Building, By-law and Planning
Report No.: BBP-2025-87
Submitted by: Alyssa Soldo, Planner, County of Middlesex
Reviewed by: Tim Williams, Manager of Planning, County of Middlesex
Approved by: Jake DeRidder, Manager of Growth and Development
SUBJECT: **Application for Consent (B7-9-2025) - 8524 Falconbridge Drive**
Owner: Patricia Pearn Agent: Elizabeth Cormier

RECOMMENDATION: THAT: Application for Consent B7-9-2025 be denied.

PURPOSE:

The purpose of this application is to sever three new residential lots from a larger agricultural parcel.

BACKGROUND:

The subject property is located on the north side of Falconbridge Drive, south of Adelaide Road (County Road 81) (see Location Map). The lands are approximately 4.48 ha (11.07 ac) in size, with approximately 112 m (400 ft) of frontage along Falconbridge Drive, 404 m (1,325 ft) of frontage along Adelaide Road, and 384 m (1,260 ft) of frontage along an unopened road allowance to the west. The property is on private services and is located outside of the settlement area of Mount Brydges. The lands also contain areas regulated by the St. Clair Region Conservation Authority along the western property line.

This property was the retained parcel previously subject to planning applications for consent that resulted in the creation of one new lot in 2007 in accordance with a Decision delivered by the Ontario Municipal Board on December 14, 2006. The original consent application requested three new lots to be created. The Board allowed the appeal in part, granting provisional consent for a specific parcel noted as 'Parcel C' on the original 'Schedule A' provided as part of the application. The severed lot was provided through an amendment to the consent application under the terms of the Minutes of Settlement.

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The proposed land to be retained is approximately 3.8 ha (9.39 ac) in size, with 20 m (65.6 ft) of frontage along Falconbridge Drive and contains a single detached dwelling and a detached garage.

The proposed lands to be severed (three new lots) are each approximately 0.22 ha (0.54 ac) in size, with approximately 34.17 m (112 ft) of frontage along Falconbridge Drive and are vacant of any buildings or structures.

A soil assessment and servicing plan was provided as part of the application submission, and the building department has confirmed that traditional systems would be used which meet building code. The applicant is proposing that all severed lots would use private septic and individual well systems. Municipal staff have noted that there are no current or planned municipal services on Falconbridge Drive.

Falconbridge Road is classified as a 'local road' under the jurisdiction of the Municipality of Strathroy-Caradoc. Adelaide Road (County Road 81) is classified as an 'Arterial Road' under the jurisdiction of the County of Middlesex. Surrounding land uses are predominantly agricultural and rural residential in nature.

The applicant has provided a letter detailing the consent proposal and their justification. They state that their application is consistent with both County and Municipal Planning objectives. They also state that the application represents an efficient use of infrastructure, protection of agricultural lands, and aligns with the growth management objectives of all levels of government. Their justification also includes that the subject property is in proximity to an approved residential development and it will not impact agricultural uses.

POLICY AND REGULATION BACKGROUND:

2024 Provincial Planning Statement (PPS)

The lands are located within a 'Prime Agricultural Area' as defined by the 2024 Provincial Planning Statement. The Provincial Planning Statement (PPS) provides policy direction on land use planning matters that are of Provincial interest and all planning decisions 'shall be consistent' with the PPS.

The PPS seeks to protect 'prime agricultural areas' for long-term use for agriculture and discourages lot creation within the 'prime agricultural area'. In this regard, Section 4.3.3.1(a) of the PPS permits lot creation for:

"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"

Section 4.3.2.1 of the PPS states that "in prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses." Further: "Proposed agriculture-related and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations"

Section 4.3.3.2 states that within prime agricultural areas “all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.”

Section 4.3.3.3 of the PPS states that the creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 4.3.3.1.(c) (surplus farm dwelling severances).

Section 4.3.3.1(c) states that lot creation in the prime agricultural area is permitted for a residence surplus to a farming operation as a result of farm consolidation, provided that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and provided that the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.

Section 2.3.1.1 of the PPS states that settlement areas shall be the focus of growth and development.

Section 2.3.1.2 of the PPS notes that land use patterns within settlement areas should be based on densities and a mixed of land uses which:

- a) Efficiently use land and resources;
- b) Optimize existing and planned infrastructure and public service facilities;
- c) Support active transportation;
- d) Are transit-supportive, as appropriate; and
- e) Are freight-supportive.

Section 2.3.2.1 of the PPS identifies considerations when identifying a new settlement area or allowing a settlement area boundary expansion, which includes:

- a) the need to designate and plan for additional land to accommodate an appropriate range and mix of land uses;
- b) if there is sufficient capacity in existing or planned infrastructure and public service facilities;
- c) whether the applicable lands comprise specialty crop areas;
- d) the evaluation of alternative locations which avoid prime agricultural areas and, where avoidance is not possible, consider reasonable alternatives on lower priority agricultural lands in prime agricultural areas;
- e) whether the new or expanded settlement area complies with the minimum distance separation formulae;
- f) whether impacts on the agricultural system are avoided, or where avoidance is not possible, minimized and mitigated to the extent feasible as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance; and
- g) the new or expanded settlement area provides for the phased progression of urban development.

Section 2.3.2.2 of the PPS states that “Notwithstanding policy 2.3.2.1.b), planning authorities may identify a new settlement area only where it has been demonstrated that the infrastructure and public service facilities to support development are planned or available.”

Middlesex County Official Plan, 2023

The subject property is located within the 'Agricultural Area' designation on Schedule 'A' of the County Official Plan. The intent of the 'Agricultural Area' designation is to protect lands for agricultural uses.

Section 2.2.2.1 identifies that all of the Agricultural Area, comprising all lands outside of the identified Settlement Areas, is determined to be Prime Agricultural Areas as defined by the Provincial Planning Statement.

Section 2.2.2.2 states that non-agricultural uses are discouraged in the Prime Agricultural areas and shall be encouraged to be located in identified Settlement Areas.

Additionally, section 2.3.1 of the County Official Plan demonstrates the growth management policies to achieve efficient growth patterns that respect hierarchy of services. It states that in agricultural areas, consents (lot creation) shall only occur in compliance with section 4.5.3.

Section 3.3.2 of the County Plan states that farm parcels shall remain sufficiently large to ensure flexibility and the economic viability of the farm operation. The creation of parcels of land for agriculture of less than 40 hectares shall generally not be permitted.

Section 4.5.3.1 notes that a plan of subdivision under the Planning Act is generally required when any of the following occur:

- More than 3 lots (two severed and one retained) from a land holding are being created unless the local official plan contains policies regarding the number of lots required for a plan of subdivision
- Lots create require a new road for the provision of access
- The provision or extension of municipal servicing is required
- Other matters that may arise during the review of the development proposed

A plan of subdivision may not be required under the following circumstance:

- Infilling of up to 4 lots having frontage on a public road in areas serviced municipally by water and sanitary sewer systems.

Section 4.5.3.2 notes that the consent shall only be granted if in conformity with the land use designations and policies of this Plan and the local Official Plan.

Section 4.5.3.4 outlines policies in order to protect the agricultural area such as consents to sever a residence surplus to a farming operation, consents involving minor boundary adjustments, consents for new farm lots meeting the minimum farm parcel size of 40 hectares, and consents for agricultural-related uses.

Strathroy-Caradoc Official Plan

The subject property is located within the 'Agricultural' designation on Schedule 'H' of the Strathroy-Caradoc Official Plan. The intent of the 'Agricultural' designation is to ensure the continuation of farming as the predominant use in this area – free in its ability to function and expand in accordance with sound farm management techniques and conservation practices and without the constraints imposed by potentially conflicting land uses. The primary use of land in this designation shall be for the cultivation of land, the raising of livestock and the growing of trees. A full range of agricultural activity shall be *permitted* including general farming, livestock farming, cash crop farming, market gardening, tobacco farming, specialty crops, horticulture and forestry.

Section 2.2.1 of the Official Plan outlines the goals and objectives of the Plan in regard to policies related to the agricultural area. They are listed as follows:

- a) To preserve and protect the Municipality's rich agricultural heritage and prime agricultural land;
- b) To maintain and promote agriculture as a major component of the local economy;
- c) To protect agricultural operations from the unwarranted intrusion of nonagricultural activities which potentially limit or conflict with these operations.

Section 5.3.1.6 states the splitting of *prime agricultural land* into smaller parcels shall generally be discouraged. Where the splitting of *prime agricultural land* is proposed, the owner shall demonstrate that the resulting smaller parcels would have no detrimental impact on agricultural productivity, operating efficiency and future farming *options*. In considering such applications, the Municipality shall also have regard to:

- a) the need to discourage the unwarranted fragmentation of farmland;
- b) the agricultural capability of the land;
- c) the type of agricultural activity engaged in and proposed to be engaged in;
- d) whether both the severed and retained parcels are sufficiently large to permit flexibility in farming in order to meet changing market conditions;
- e) whether both the severed and retained parcels are suitable for the type of agriculture in the *Municipality* and the size of both parcels is appropriate to the type of agriculture proposed;
- f) the requirements of the Planning Act;
- g) the minimum farm parcel size as established in the Zoning By-law;
- h) the criteria for the division of farm parcels in the County Official Plan.

Section 5.3.1.15 states that the creation of new residential building lots in the agricultural designation shall not be permitted for purposes of farm family members (whether or not they are engaged in the farm operation), farm workers, rural or estate residential *purposes*, or for any other non-farm residential purposes with the exception of lots created for the purposes of disposing a *surplus farm dwelling*.

Section 7.4.3.1(a) states that lots shall be created by severance where the number of new lots being created does not exceed three and may be considered where the number of lots being created does not exceed five provided a plan of subdivision is not considered necessary to ensure the proper and orderly development of the Municipality. Proposals to create more than five lots shall only be permitted by plan of subdivision. Generally, a plan of subdivision shall not be considered necessary where the lots being created front on an open public road, no undue extension or improvement of services is

required, and there exists no other lands under the same ownership abutting to the lots proposed to be created and designated for the same type of development.

Strathroy-Caradoc Zoning By-Law

The subject property is zoned 'General Agricultural (A1) Zone' according to the Strathroy-Caradoc Zoning By-law. The 'A1' zone permits a wide range of agricultural uses, as well as a single detached dwelling with a minimum lot size of 40 hectares, minimum lot frontage of 150 metres, minimum front yard depth of 20 metres, minimum side yard width of 15 metres, minimum rear yard depth of 30 metres, and maximum lot coverage of 20%.

The severed parcels would require a rezoning to the 'Agricultural Small Holdings (A2)' Zone with site specific provisions to recognize a reduced lot area and limit its permitted uses to animal kennel, single detached dwelling, and secondary suite dwelling. The retained parcel would also require a rezoning to recognize the deficiency in lot frontage (20 metres whereas 120 metres is required) and lot area (3.8 hectares whereas 40 hectares is required).

The 'A2' zone permits a lot area range of 0.4 hectares to 4 hectares, a minimum lot frontage of 30 metres, minimum front yard depth/exterior side yard width of 20 metres, side yard width of 3 metres, minimum rear yard depth of 10 metres, and a maximum lot coverage of 20%.

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:

Enbridge has noted that a service relocation will be required for the gas service to 8524. The existing service will be going through the proposed severance.

Middlesex County Emergency Services has noted the following:

1. That the proposed parcels to be severed into three (3) new lots and are each approximately 2,186.88 m² (0.54 ac) in size, with 34.17 m (112 ft.) of frontage along Falconbridge Drive and are vacant of any buildings or structures have three (3) proposed 911 municipal property addresses that are sequential in existing 911 addressing on Falconbridge Drive. The proposed 911 addresses are to be submitted to the Municipality of Strathroy-Caradoc in consultation with the County of Middlesex for approval. If approved the 911 municipal property address sign and post is to be to the **new 911 property address sign standard that includes both the 911 property number with the street name** is to be posted temporarily and permanently to municipal standards during all stages of construction when and if a building permit is issued and it is to be maintained, visible and unobstructed so emergency responders can easily identified the 911 address when responding from either direction from the Falconbridge Drive road allowance. The three (3) approved 911 property addresses are to be sent to the County of Middlesex GIS Specialists so they can be added to the County mapping system.

2. That the proposed retained parcel that is approximately 3.8 ha (9.39 ac) in size, with 17 m (55.8 ft.) of frontage along Falconbridge Drive, containing an existing single detached dwelling and detached garage retain the existing 911 municipal property address of 8524 Falconbridge Drive. (Please note that on the attached SBM severance sketch/drawing it shows the address requesting the severance is 8526 Falconbridge. I assume that is an error). The property owner is to ensure the 911 property address of 8524 Falconbridge Drive is permanently posted to municipal standards **with the new 911 property address sign standard that includes both the 911 property number with the street name** so it is to be maintained, visible and unobstructed so emergency responders can easily identified the 911 address when responding from either direction from the Falconbridge Drive road allowance.

The Manager of Growth & Development has comments that there are currently no municipal services including water, wastewater and stormwater along Falconbridge Drive in order to support the creation of these lots. Given the lots are outside the settlement area and agriculturally designated and zoned, this type of lot creation raises significant concern for the loss of agricultural lands.

The St. Clair Region Conservation Authority has noted that they have no concerns with the proposed consents. Portions of the subject property are regulated under Ontario Regulation 41/24. The applicant will require written permission from the Authority prior to any construction or site alteration within the regulated area.

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

ANALYSIS:

Agriculture is the predominant land use within the County and an important component of the economy and culture. The protection of agricultural land therefore represents a major pillar of the County's Official Plan and of the Provincial Planning Statement. A component of managing the agricultural resource is the general discouragement of land assembly which results in an undersized agricultural parcel.

The application is simply requesting lot creation in the agricultural area for a residential use, to which there is no policy support in this circumstance. Additionally, a severance has already been created from this parcel and policies state that any more than three new lots require a plan of subdivision if they do not meet certain requirements. The existing severed lot and the three proposed in this application exceeds the number of lots that can be created through a consent without a plan of subdivision.

The previous OMB Decision in 2006 permitted one severed lot where three were requested through the original consent application.

Planning staff are of the opinion that the landowner/applicant is attempting to circumvent the appropriate planning approvals which require more intensive development criteria (i.e. Official Plan Amendment for a settlement boundary expansion, draft plan of subdivision, extension of services). Planning staff see this application as premature and better dealt with through a boundary expansion request for Mount Brydges and a plan of subdivision if servicing becomes available in the future.

A letter from the legal counsel states that the application conforms to the requirements of Section 4.5.3.1 of the Middlesex County Official Plan (Consent). This section notes criteria for requiring a plan of subdivision including that no more than 3 lots (two severed and one retained) from a land holding

are being created unless the local official plan contains policies regarding the number of lots required for a plan of subdivision. This proposal is requesting three severed lots and one retained, plus an existing severed lot from the previous OMB decision, therefore surpassing the County's number of lots to be exempt from a plan of subdivision.

Section 4.5.3.1 also requires a plan of subdivision if the provision or extension of municipal servicing is required. In this case, municipal staff have noted that there are no municipal services available to support the creation of these new lots.

Section 4.5.3.1 notes that a plan of subdivision may not be required under the following circumstance, infilling of up to 4 lots having frontage on a public road in areas serviced municipally by water and sanitary sewer systems. The proposed lots do not have access to municipal services and therefore are not exempt from the plan of subdivision process.

Section 7.4.3.1 of the Strathroy-Caradoc Official Plan notes criteria for requiring a plan of subdivision and where a consent may be exempt from this process. An extension of municipal services is required to accommodate the proposed lots. Additionally, other lands under the same ownership abutting to the lots proposed to be created and designated for the same type of development is existing, therefore not meeting the criteria to be exempt from a plan of subdivision.

Therefore, it is of the opinion of planning staff that this proposal does not conform to the requirements of Section 4.5.3.1 of the Middlesex County Official Plan and Section 7.4.3.1 of the Strathroy-Caradoc Official Plan.

The letter from the legal counsel notes that "the Provincial Planning Statement supports intensification where compatible with the surrounding area". Section 4.3.3.3 of the PPS states that the creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 4.3.3.1.(c) (surplus farm dwelling severances). The proposed consents are not compatible with the 'Prime Agricultural Area' designation of the subject lands and surrounding agricultural lands.

The letter from the legal counsel notes that "the surrounding area is in proximity to approved residential development and will not impact agricultural uses". The proximity to an approved residential development is not a consideration or criteria for a consent application. The subdivision being referred to is south of these subject lands and is within the settlement area boundary unlike what is proposed. Planning staff do believe that the proposal will impact agricultural uses as it is taking land out of the agricultural inventory. While the current owner may not be using it for agricultural uses, a future owner would have the opportunity to use it as such as it is both designated and zoned for this purpose. If the proposed lots are created and brought into the settlement boundary in the future, the Municipality would be left with half acre lots in Mount Brydges which is not an efficient use of land. Therefore, this application is seen as premature.

The letter from the legal counsel notes that the application "represents an efficient use of infrastructure, protection of agricultural lands, and aligns with the growth management objectives of all levels of government". The proposed lots would be using private services rather than municipal water and sewage infrastructure and there is no servicing available. The proposed lots would be removing lands from the agricultural inventory therefore not protecting its agricultural purpose. The Strathroy-Caradoc Official Plan, Middlesex County Official Plan, and the Provincial Planning statement all note settlement areas as the focus of growth and development. The proposed lots are outside of the settlement boundary of Mount Brydges therefore not aligning with these objectives.

It is for the reasons listed above that planning staff are unable to support the application as proposed. The Provincial Planning Statement, County Official Plan, and the Strathroy-Caradoc Official Plan have strong policy direction in regard to consents in the agricultural area in order to protect the fundamental economic base of the Municipality and prevent the further fragmentation of farmland. The proposal is inconsistent with these policies.

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 is not consistent with the Provincial Planning Statement, is not in conformity with the County Official Plan and is not in conformity with the Strathroy-Caradoc Official Plan.

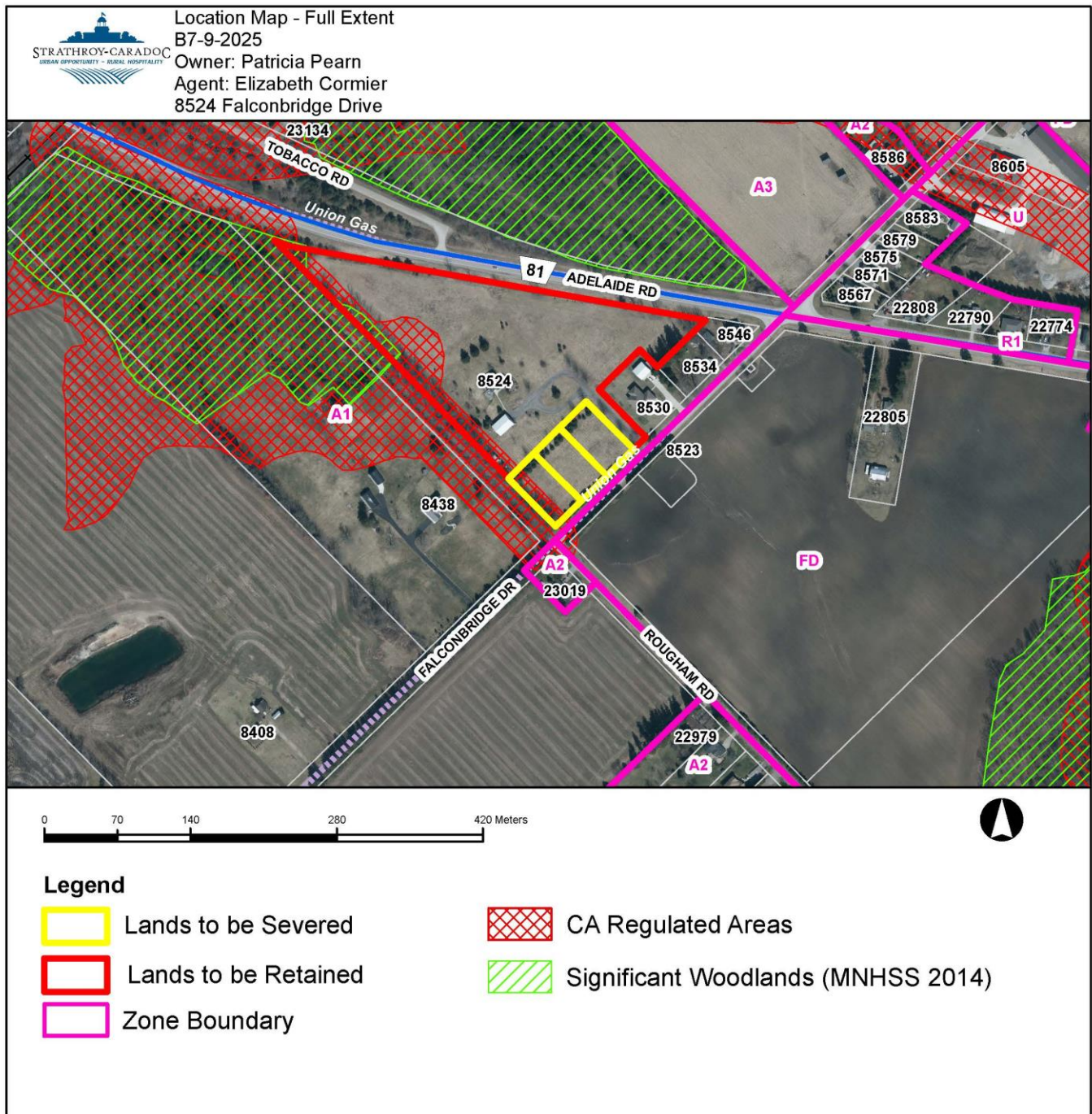
ATTACHMENTS

Location Map

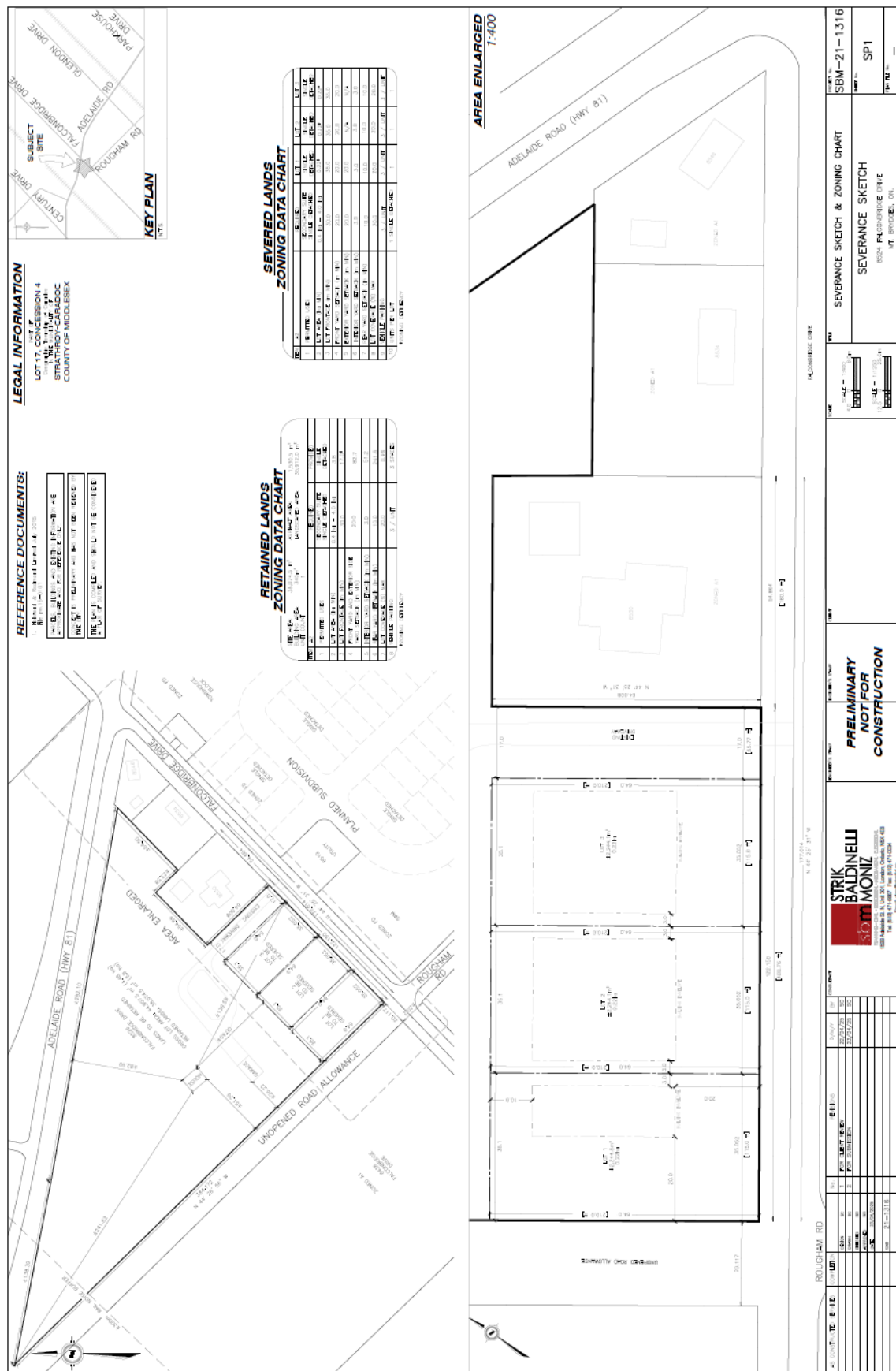
Proposed Severance Sketch

Soil Assessment & Servicing Plan

Location Map



Proposed Severance Sketch



Soil Assessment & Servicing Plan

