



# Staff Report

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**Report No.:** PLA-60-2018

**Meeting Date:** October 24, 2018

**Submitted by:** Kelly Henderson, Planner

**Subject:** Application for Consent B-20/18; field by Jack H. Sousa, on behalf of Shmuel Farhi; 24499 Nairn Road

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**Recommendation:**

THAT consent application B-20/18, filed by Jack H. Sousa, on behalf of Shmuel Farhi in order to sever a parcel of land consisting of approximately 46.6 hectares (115.15 acres) from an existing farm parcel consisting of 87.62 hectares (216.51 acres) of land, known municipally as 24499 Nairn Road, be approved.

FURTHER THAT Consent B-20/18 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the Planning Act shall be given within one year of the date of the notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of severance have been fulfilled.
2. That the fee for the Certificate of Consent be paid in accordance with the Municipality's Fees and Charges By-law.
3. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B-20/18 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the Owner's solicitor provides a Transfer in Preparation to the Municipality, together with a deposited reference plan and a Schedule describing the land to be transferred, for the purposes of the issuance of a Certificate of Consent.
5. That the Owner's solicitor submits an undertaking in a form satisfactory to the Municipality to register an electronic transfer of title consistent with the Consent decision.
6. That, if necessary, a revised assessment schedule in accordance with the Drainage Act, as amended, be commissioned and paid for by the Owner.

7. That any outstanding property taxes for the severed and retained lots of Consents B-20/18 be paid in full.
8. That the Owner dedicate lands along the frontage of the severed lot up to 18 m from the centerline of construction of County Road 17 (Nairn Road) to the County of Middlesex for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the Owner.
9. That the Owner provide proof that the aggregate extraction license has been surrendered.
10. That a Zoning By-law Amendment for the severed and retained lands be in full force and effect.

FURTHER THAT the reasons for granting Consent Application B-20/18 include:

- The proposal is consistent with the Provincial Policy Statement;
- The proposal conforms to the County of Middlesex Official Plan and the Middlesex Centre Official Plan; and
- The proposal complies with the Middlesex Centre Comprehensive Zoning By-law.

### **Purpose:**

The purpose of this report is to provide Council with a recommendation in regards to an application for a severance on a farm that is located on the west side of Nairn Road (County Road 17) and north of Ilderton Road (County Road 16). The land is legally described as Part of Lot 11 and Lot 12, Concession 9 (geographic Township of Lobo), Municipality of Middlesex Centre.

### **Background:**

The purpose and effect of the consent application is to sever a parcel of land of approximately 46.6 hectares (115.15 acres) from an existing farm parcel of approximately 87.62 hectares (216.51 acres). The retained land is proposed to be approximately 41 hectares (101.3 acres) in size.

A location map is included as Attachment 1.

The lands proposed to be severed contain an existing single detached dwelling and barn. The land is serviced by a privately owned well and septic and have access onto Nairn Road.



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The lands proposed to be retained are un-serviced as they are used for agricultural purposes. The lands have access onto Ilderton Road.

Surrounding land uses are predominately agricultural in nature. Both the severed and retained lands are regulated by the St. Clair Region Conservation Authority (SCRCA). A portion of both the severed and retained lands contain natural heritage features in the form of Significant Woodlands.

An illustration of the proposal is included as Attachment 2.

### **Policy Regulation:**

The subject land is designated Agricultural Area according to the County of Middlesex Official Plan and Agriculture by the Middlesex Centre Official Plan. The land is zoned Extractive Industrial (M4) by the Middlesex Centre Comprehensive Zoning By-law.

### Provincial Policy Statement (PPS)

Section 2.3.4.1 (a) of the PPS states that lot creation in prime agricultural areas may be permitted 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.

### County of Middlesex Official Plan

Section 4.5.3.4 (c) of the County of Middlesex Official Plan states that consents for new farm lots shall generally not be considered where the result is the creation of a farm lot less than a typical township lot of about 40 hectares. Consents for the creation of new farm lots shall be considered where both the size of the lands being severed and the lands being retained are appropriate to: 1) the type of agriculture being engaged in or proposed to be engaged in; and 2) the type of agricultural activity and farm lot size common in the area. In general, farm lot size shall be sufficiently large to create large contiguous farming blocks and to maintain flexibility to adapt to future changes in agriculture and to avoid the unwarranted fragmentation of farmland.

### **Middlesex Centre's Official Plan**

Locally, Section 10.3.2.3 of the Middlesex Centre Official plan states that 'the fragmentation of existing farm lots will be strongly discouraged. Severances of new farm lots will not be permitted where a farm lot of less than 40 hectares will result.'

### Middlesex Centre Comprehensive Zoning By-law:

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The 'Agricultural' (A1) zone permits a wide range of agricultural related uses, and requires a minimum lot area of 40 hectares (99 acres) and a minimum lot frontage of 300 metres (984 feet).

### **Analysis:**

The Provincial Policy Statement, County Official Plan and Middlesex Centre Official Plan generally permits lot creation in agricultural areas for agricultural purposes where the lots are of a size sufficiently large to maintain productive and viable farm units. The minimum lot size requirement as outlined in the Middlesex Centre Zoning By-law is 40 hectares.

The size of the lands proposed to be severed and the lands proposed to be retained appear to meet the criteria of the Official Plan. The proposed lot sizes are also consistent with the requirements of the Zoning By-law. Staff are satisfied that the size and configuration of the proposed lots will not negatively impact the ability to farm the lands and the flexibility to adapt to future farming practices will not be compromised. Staff do not anticipate negative impacts to the existing woodlands or hazard areas as a result of the proposed severance.

### **Consultation:**

Notice of the application has been circulated to agencies, as well as property owners in accordance to the requirements of the Planning Act.

### **Public Comments:**

At the time of writing the subject report, no comments or concerns had been received from the public regarding this proposal.

### **Agency Comments:**

The following comments were received at the time of writing this report;

The Municipality of Middlesex Centre's Director, Public Works and Engineering and Corporate Services have advised of no concerns or requirements for the subject applications.

St. Clair Region Conservation Authority (SCRCA) has reviewed the subject application and have no concerns with the proposed severance application from a Natural Heritage and Natural Hazard perspective. At this time no buildings or structures are proposed, should further development be proposed in the future, a Development Assessment Report may be required and any buildings or structures proposed must be located outside of the hazard area.

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The County Engineering Department has reviewed the subject application and would require road widening along the severed parcel up to 18 metres if the road allowance is not already to this width.

Given the above, planning staff are recommending that the subject application be approved.

This opinion is provided prior to the public meeting and without the benefit of potentially receiving all comments from agencies or members of the public. Should new information arise regarding this proposal prior to or at the public meeting, the committee is advised to take such information into account when considering the applications.

**Financial Implications:**

None.

**Strategic Plans:**

N/A.

# Location Map



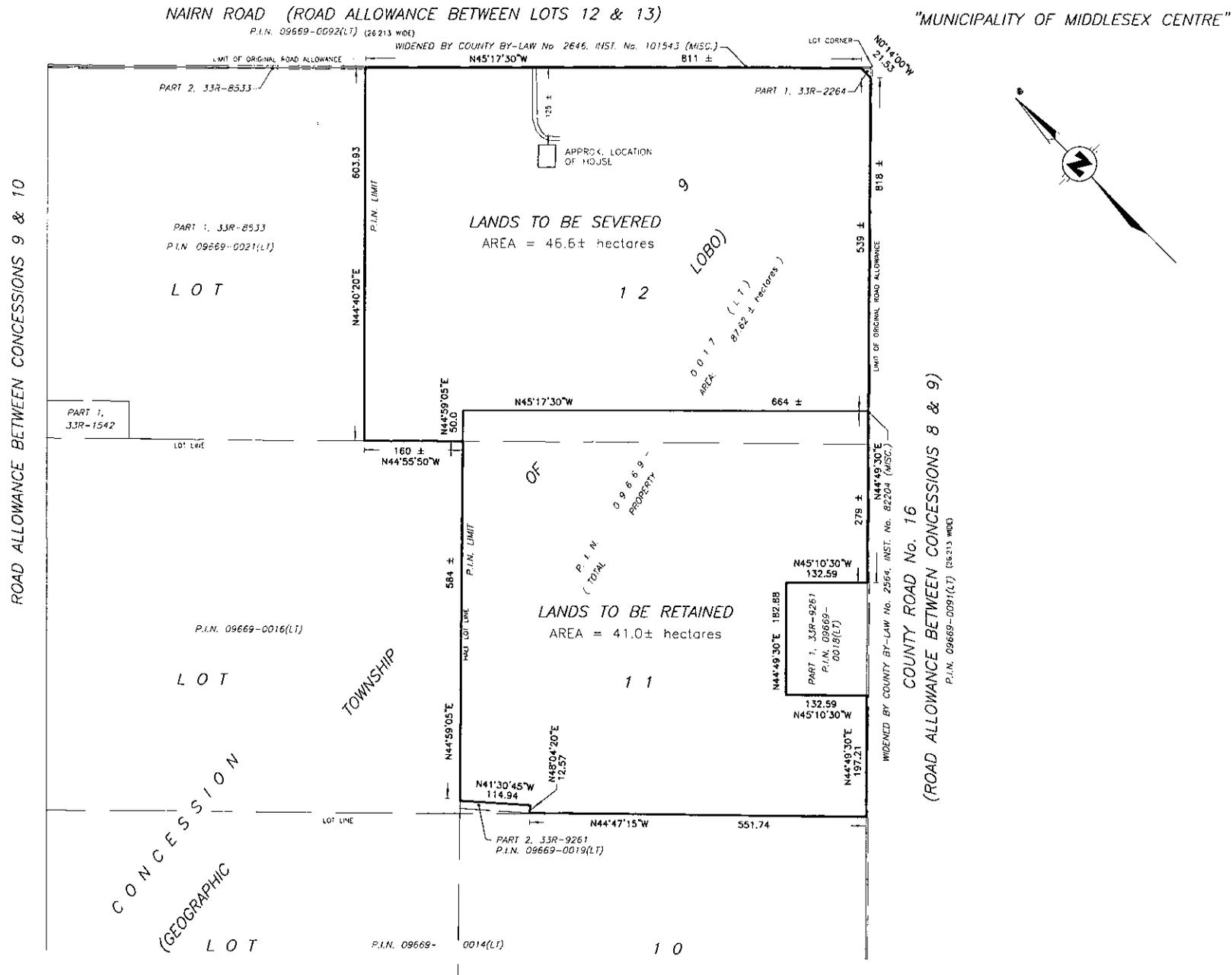
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Description: Farhi  
File Number: B20/2018  
Created By:  
Date: 9/27/2018  
Scale: 1: 18,056

### Legend

 Assessment Parcels



SEVERANCE SKETCH  
 24499 NAIRN ROAD  
 OF PART OF  
 LOTS 11 & 12  
 CONCESSION 9  
 (GEOGRAPHIC TOWNSHIP OF LOBO)  
 MUNICIPALITY OF MIDDLESEX CENTRE  
 COUNTY OF MIDDLESEX

SCALE 1:5000 (Metric)

( SCALE IN METRES )

**CAUTION:** THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSES INDICATED IN THE TITLE BLOCK.

**METRIC:** DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

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SURVEY BY: --	DRAWN BY: H.D.	FILE No: 17-21554	PLAN No: DDD-3185
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