

# EVALUATION REPORT

PLANNING DEPARTMENT

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To: Chair and Members of the Committee of Adjustment (Consent)  
Mayor and Members of Council (Zoning By-law Amendment)

From: Ashley Sawyer, Planner, County of Middlesex

Date: July 16<sup>th</sup>, 2025

**Re: RECOMMENDATION REPORT**

**Application for Consent – B9-2025**

**Application for Zoning By-law Amendment – ZBA-8-2025**

**Part of Lot 17, Concession 14 East, in the geographic Township of West  
Williams, Municipality of North Middlesex, County of Middlesex**

**29641 Coldstream Road**

**Owner/Applicant: Vlovalley Farms Ltd. (c/o Annette & Pete Vandervloet)**

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## **Purpose and Effect of Consent Application**

The purpose and effect of the application for Consent (File No. B5-2025) is to sever a parcel of land from an existing 21.16 ha (52.29 ac) farm parcel to facilitate the disposal of a residence surplus to a farming operation as a result of farm consolidation.

The '**Severed Parcel**' is proposed to have a frontage of approximately 47.24 m (154.99 ft) on Coldstream Road and an area of approximately 0.41 ha (1.01 ac). The 'Severed Parcel' contains one (1) single detached residential dwelling, is serviced by the municipal water system and a privately owned septic system and has an existing access to Coldstream Road.

The '**Retained Parcel**' is proposed to have a frontage of approximately 211.05 m (692.42 ft) along Coldstream Road, which is broken up by the 'Severed Parcel', a frontage of approximately 807.12 m (2,648.03 ft) along Pete Sebe Road and an area of approximately 20.76 ha (51.29 ac). The 'Retained Parcel' currently contains agricultural lands in crop production and woodlands. No change of use is proposed. There is currently no municipal water system connection, privately owned well or privately owned septic system on the 'Retained Parcel'. There is an existing field access to Pete Sebe Road that will be confirmed as a condition of Consent. A portion of the 'Retained Parcel' is regulated by the Ausable Bayfield Conservation Authority and contains woodlands.

## **Purpose and Effect of Zoning By-law Amendment Application**

The purpose and effect of the Zoning By-law Amendment application (File No. ZBA-8-2025) is to rezone the 'Severed Parcel' from 'General Agricultural (A1) Zone' to 'Agricultural Small Holding Exception 44 (AG1-44) Zone' to recognize the rural residential use of the lands and a minimum lot frontage of 47.24 m (154.99 ft). Additionally, the application will rezone the 'Retained Parcel' from 'General Agricultural (A1) Zone' to 'General Agricultural Exception 117 (A1-117) Zone' to prohibit the establishment of new residential dwellings, in accordance with the Provincial Planning Statement, the Middlesex

County Official Plan and the North Middlesex Official Plan, and to recognize the lot area of 20.76 ha (51.29 ac).

### **Background**

The subject lands have a municipal address of 29641 Coldstream Road and are located at the southwest intersection of Coldstream Road and Pete Sebe Road. Surrounding uses are predominantly agricultural in nature. Coldstream Road and Pete Sebe Road are both local roads under the jurisdiction of the Municipality of North Middlesex. The lands are legally described as Part of Lot 17, Concession 14 East, in the geographic Township of West Williams, Municipality of North Middlesex, County of Middlesex.

Supplementary information provided by the owner/applicant indicates they own three (3) farm holdings in the applicant's name, with a total area of approximately 60.42 ha (149.29 ac). Two (2) farm holdings have an existing single-detached dwelling, demonstrating that the residence on the subject lands is surplus to the needs of their farming operation.

The proposal is summarized below:

	<b>'Severed Parcel'</b> 29641 Coldstream Road	<b>'Retained Parcel'</b> <i>911 address to be assigned.</i>
<b>Lot Frontage</b>	47.24 m (154.99 ft) Coldstream Road	211.05 m (692.42 ft) Coldstream Road
<b>Lot Area</b>	0.41 ha (1.01 ac)	39.47 ha (97.53 ac)

### **Policy and Regulation Background**

The subject lands are within a 'Prime Agricultural Area' as defined by the Provincial Planning Statement and within an 'Agricultural Area' land use designation per 'Schedule A' of the Middlesex County Official Plan. The subject lands are within the 'Agricultural Area' land use designation and contains 'Hazard Lands' per 'Schedule A' and 'Woodlands' per 'Schedule C' of the North Middlesex Official Plan. The subject lands are zoned 'General Agricultural (A1) Zone' within the North Middlesex Zoning By-law No. 35 of 2004, as amended.

### **Provincial Planning Statement (2024)**

The Provincial Planning Statement is issued under the authority of section 3 of the *Planning Act* which came into effect on October 20<sup>th</sup>, 2024. According to section 3 of the *Planning Act*, as amended, decisions made by planning authorities "shall be consistent with" the PPS. The PPS emphasises the protection of agricultural areas. The policy is intended to be read in its entirety, and the principal policies applicable to each proposal is to be applied. The principal policies of the PPS that are applicable to the proposed development are summarized below.

#### **Section 4.3 – Agriculture**

Planning authorities are required to maintain and enhance a geographically continuous agricultural land base. Prime agricultural areas "shall be designated and protected for long-term use for agriculture. Permitted uses in prime agricultural areas are agricultural uses, agriculture-related uses and on-farm diversified uses based on provincial guidance.

All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards. A principal dwelling associated with an agricultural operation shall be permitted as an agricultural use, except where prohibited as a requirement of a surplus farm dwelling severance.

Lot creation in prime agricultural areas is discouraged and is permitted for very limited reasons, one of which includes for “one new residential lot per farm consolidation for a residence surplus to an agricultural operation” provided that the new lot is kept to the minimum size needed to accommodate the use and appropriate sewage and water services and that the planning authority ensures that new dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the severance.

#### County of Middlesex Official Plan

A residence surplus to a farming operation is defined as a habitable farm residence that is rendered surplus as a result of farm consolidation.

#### Section 4.5.3.4 – Agricultural Area

Protecting the agricultural area is of the utmost importance. In accordance with the PPS, Consents are permitted for very limited reasons, with a Consent to sever a residence surplus to a farming operation permitted. The residence must have been built at least 10-years prior, the lot must be kept to a minimum size needed to accommodate the use and appropriate sewage and water services, and new residential dwellings must be prohibited on any vacant remnant parcel of farmland created by the severance.

#### North Middlesex Official Plan

Section 6.2 states that new non-farm residential lots outside of the Settlement Areas are prohibited except for the disposal of a surplus farm dwelling by severance. Where a dwelling is acquired through farm consolidation and is surplus to the needs of the farm operation it may be severed conditional upon the following criteria:

- i. The residence is surplus to the farming operation and was constructed prior to January 1, 1999;
- ii. The parcel should only be as large as necessary to accommodate well and sanitary on site and should generally be a maximum of 1.0 ha in size;
- iii. As a condition to the approval, a new minimum lot area for the retained parcel shall be implemented through a zoning by-law amendment which is also prohibitive of residential use unless there is already a dwelling located on the retained parcel in the case of abutting properties which are merged as a condition of severance. The zoning by-law amendment will also rezone the severed parcel containing the surplus residence to an agricultural residential zone;
- iv. Proposed severed lot shall comply with MDS I;
- v. Where farm buildings and structures exist near the surplus residence and are not required for the farm operation, a condition to the approval may be demolition of the buildings or structures unless they can be made unsuitable for housing of livestock and do not necessitate an inappropriately sized severed parcel;
- vi. Severed parcel can be adequately serviced (upgrades may be required);

- vii. Adequate vehicular access to both parcels shall be possible (upgrades may be required);
- viii. No adverse effect on natural and built heritage features, and;
- ix. Natural hazard concerns on the severed and retained parcels are addressed.

#### North Middlesex Zoning By-law

The subject lands are zoned 'General Agricultural (A1) Zone' which permits the existing agricultural use and single-detached dwelling. A minimum lot area of 39 ha (96.4 ac) and minimum lot frontage of 150 m (492 ft) is required.

#### Proposed Zoning

The 'Severed Parcel' is proposed to be rezoned from the 'General Agricultural (A1) Zone' to 'Agricultural Small Holding Exception 44 (AG1-44) Zone' to recognize the rural residential use of the lands and a minimum lot frontage of 47.24 m (154.99 ft). The bolded items in the table identify where the site-specific relief is needed.

<b>Agricultural Small Holding (AG1) Zone</b>		
<b>Section 7A.2 – Zone Restrictions</b>	<b>Required</b>	<b>Proposed</b>
Lot Frontage Minimum	<b>50.0 m</b>	<b>47.24 m</b>
Lot Area Minimum	4,000 m <sup>2</sup> (0.99 ac)	4,087.33 m <sup>2</sup> (1.01 ac)
Lot Area Maximum	1.0 ha	0.41 ha
Front Yard Setback Minimum	15.0 m	54.32 m
Rear Yard Setback Minimum	15.0 m	19.11 m
Interior Side Yard Setback Minimum	3.0 m	12.77 m

Additionally, the application will rezone the 'Retained Parcel' from 'General Agricultural (A1) Zone' to 'General Agricultural Exception 117 (A1-117) Zone' to prohibit the establishment of new residential dwellings and recognize a reduced lot area, in accordance with the Provincial Planning Statement, the Middlesex County Official Plan and the North Middlesex Official Plan. Key zoning provisions are outlined in the table below. The bolded items in the table identify where the site-specific relief is needed.

<b>General Agricultural (A1) Zone</b>		
<b>Section 7.3.1</b>	<b>Required</b>	<b>Proposed</b>
Lot Frontage Minimum	150.0 m	211.05 m

Lot Area Minimum	<b>39.0 ha</b>	<b>20.76 ha</b>
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### Consultation

Notice of the applications have been circulated to required agencies, as well as property owners within 120 m of the subject lands, and was posted on the subject lands in accordance with the requirements of the Planning Act. Comments submitted prior to the submission of this report are summarized below.

<b>Agency</b>	<b>Comments</b>
Ausable Bayfield Conservation Authority	<p>“From the information submitted it appears that the proposed severed parcel is not regulated by the Conservation Authority and that the hazard area will remain with the lands to be retained. As such, The Ausable Bayfield Conservation Authority (ABCA) does not have a natural hazard concern with the requested Severance and does not oppose the approval of the requested Zoning By-law Amendment.”</p> <p>The ABCA letter has been attached for the Committee’s and Council’s information.</p>
Canada Post	No concerns.
County of Middlesex Emergency Services	<p>If approved, the following conditions shall apply:</p> <p>“</p> <ol style="list-style-type: none"> <li>1. That the proposed severed lands/property retain the existing 911 property address of 29641 Coldstream Road and that the property owner ensure the 911 property address is posted to municipal standards at the main entrance to the severed lands and it is maintained, visible and unobstructed so emergency responders can easily identify the 911 property address when responding from either direction from the Coldstream Road allowance.</li> <li>2. That the lands to be retained have a new proposed 911 property address assigned to it and is sequential in existing 911 addressing for Coldstream Road and that the proposed 911 property address be submitted to the Municipality of North Middlesex in consultation with the County of Middlesex for approval.</li> <li>3. If the proposed 911 property address is approved for the lands to be retained the property owner ensure the 911 property address is posted to at the main entrance to the retained lands off Coldstream Road to municipal standards and it is maintained, visible and unobstructed so emergency responders can easily identify the 911 property address</li> </ol>

	when responding from either direction from the Coldstream Road allowance.”
County of Middlesex Engineer	No concerns.
Entegrus	No concerns.
North Middlesex Chief Building Official	No concerns.
North Middlesex Director of Infrastructure and Operations	No concerns.
North Middlesex Drainage Superintendent	No concerns.
Thames Valley District School Board	No concerns.
Public Comments	No comments were submitted prior to the submission of this report.

### **Analysis**

The Provincial Planning Statement (PPS), Middlesex County Official Plan and North Middlesex Official Plan generally permit lot creation in agricultural areas to dispose of a dwelling surplus to a farming operation as a result of farm consolidation, subject to evaluation criteria. Evaluation criteria includes, but is not limited to, that the dwelling be habitable and constructed prior to January 1, 1999, that the lot be limited in size for the residential function of the property and the associated well and septic system, that the dwelling is surplus to a farm consolidation, that access is maintained, and that restrictions are placed on the remnant farmland to prohibit the establishment of new residential dwellings.

### **Lot Area and Configuration**

The North Middlesex Official Plan indicates that the ‘Severed Parcel’ should generally only be as large as necessary to accommodate on-site water and sanitary disposal facilities and should generally be a maximum of 1.0 ha (2.47 ac) in size. The intent of requiring the parcel to only be as large as necessary to accommodate the dwelling and services is to protect agricultural land and limit, where possible, the removal of cropland from production. Based on the proposed lot fabric, staff are of the opinion that the ‘Severed Parcel’ aligns with the Official Plan guidelines regarding lot area and configuration, and it is appropriately sized to accommodate the existing single detached dwelling, septic

system, hydro system and driveway access, while also not removing lands from agricultural crop production. The lot fabric maintains a regular rectangular shape and frontage onto an existing road that is maintained year-round (Coldstream Road).

#### Farm Consolidation

Staff are satisfied that farm consolidation will be achieved as the subject lands form part of a farming operation consisting of at least one additional farm holding and one additional dwelling. The farm owner has provided supplementary information that confirms the subject residence is surplus to the needs of their operation.

#### Dwelling and Services

The North Middlesex Official Plan requires that the dwelling have been constructed prior to January 1, 1999. Staff are satisfied that the existing dwelling meets this criterion as the dwelling was constructed in approximately 1890. The owners/applicants have confirmed that the dwelling is habitable and currently occupied.

Staff note the applicant submitted a preliminary survey as part of the application submission, which demonstrates that the hydro service line, driveway, existing single-detached dwelling, septic system, propane tank, and tree line, is maintained on the 'Severed Parcel'. Staff note that the location of the existing water line will need to be included on this preliminary survey as a condition of Consent. All services that benefit the 'Severed Parcel' are required to be wholly contained to the 'Severed Parcel.' Additionally, a septic inspection will be required to determine good working order, to the satisfaction of the Chief Building Official.

#### Access

Staff note that there is currently one (1) existing access to the 'Severed Parcel' from Coldstream Road and one (1) existing field access to the 'Retained Parcel' from Pete Sebe Road. Confirmation that the existing field access to the 'Retained Parcel' is satisfactory to the Municipality is currently in progress, and documentation of approval is included as a recommended condition. A new 9-1-1 address for the 'Retained Parcel' must be assigned and the required signage posted.

#### Minimum Distance Separation

The proposed severance was evaluated in accordance with the Minimum Distance Separation (MDS) Formula Implementation Guidelines. Staff note that MDS I formula is not applied when a dwelling to be severed is already located on a separate lot from an area livestock barn or facility. It is, however, required when the dwelling is being separated from an agricultural parcel containing livestock. As the lands proposed to be retained do not contain a livestock facility or anaerobic digester, staff are of the opinion that MDS I does not apply.

#### Zoning By-law Amendment

To facilitate the proposed Consent, and to fulfill a recommended condition, the applicant is required to apply for a Zoning By-law Amendment to rezone the 'Severed Parcel' from the 'General Agricultural (A1) Zone' to 'Agricultural Small Holding Exception 44 (AG1-44) Zone' to recognize the residential use of the lands and a reduced lot frontage of 47.24 m (154.99 ft) and to recognize the rural residential use of the lands. Staff are supportive of the reduced lot frontage as it represents a minor deviation that maintains the function of

the lot for a rural residential use, and does not compromise access, servicing, or the rural character of the area. Additionally, staff support the recognition of the rural residential use of the lands as it aligns with the policies of the Official Plan and is not suitable to be used for agricultural purposes due to compatibility concerns.

The 'Retained Parcel' will be rezoned from 'General Agricultural (A1) Zone' to 'General Agricultural Exception 117 (A1-117) Zone' to prohibit the establishment of new residential dwellings and recognize a reduced lot area of 20.76 ha (51.30 ac). Prohibiting new residential dwellings on the remnant farmland is a requirement of the Provincial Planning Statement, the Middlesex County Official Plan and the North Middlesex Official Plan to facilitate a surplus farm dwelling severance. Recognizing the reduced lot area will reflect the existing limits of the actively farmed area and does not result in a loss of productive agricultural land, thereby maintaining the current agricultural operation and minimizing land fragmentation.

In conclusion, staff are of the opinion that the proposed Consent is appropriate, is consistent with the Provincial Planning Statement and is in conformity with the County of Middlesex and North Middlesex Official Plans provided the recommended conditions are addressed.

#### Attachments

1	Public Meeting Notice and Location Map
2	Survey Sketch
3	Site Sketch
4	ABCA Comments
5	Draft By-law and Schedule A

#### Recommendation

That the application for Consent B9-2025, submitted under Section 53 of the Planning Act be **GRANTED** by the Committee of Adjustment subject to the following conditions:

1. That pursuant to Section 53(41) of the *Planning Act* all conditions imposed shall be completed to the satisfaction of the Municipality within a maximum period of two (2) years after the Notice of Decision was issued.
2. That pursuant to Section 53(42) of the *Planning Act*, the Clerk of the Municipality of North Middlesex shall issue a certificate to the owner/applicant's solicitor stating that the consent has been given, and the certificate is conclusive evidence that the consent was given and that the provisions of the *Planning Act* leading to the consent have been complied with.
3. That the owner/applicant shall provide a written submission and supporting documentation to the satisfaction of the Clerk of the Municipality of North



Middlesex detailing how each condition of consent has been fulfilled, prior to the issuance of the Certificate of Consent.

4. That the owner/applicant's solicitor shall submit an undertaking, in a form satisfactory to the Municipality of North Middlesex, to register an electronic transfer of title consistent with the Consent decision.
5. That the owner/applicant's solicitor shall provide to the Municipality of North Middlesex, a draft transfer a minimum of three (3) business days before the expected transfer.
6. That the fee for the Certificate of Consent shall be paid in accordance with the Municipality's Fees and Charges By-law.
7. That all financial requirements of the Municipality of North Middlesex which may be deemed necessary for the proper and orderly development of the subject lands, including but not limited to, the payment of any monies owed to the Municipality of North Middlesex for taxes, shall be satisfied.
8. That a preliminary survey prepared by an Ontario Land Surveyor, shall be submitted to and approved by the Municipality of North Middlesex. The preliminary survey shall include the following information:
  - a. The boundaries and dimensions of 'Severed Parcel No. 1', 'Severed Parcel No. 2' and the 'Retained Parcel';
  - b. The location, type, dimensions, and status (i.e. if being removed) of all existing buildings and structures on the subject lands;
  - c. Setbacks of all existing buildings and structures from all existing and proposed property lines;
  - d. The location of all existing and proposed driveways, and any shared access arrangements if applicable;
  - e. The location of all municipal water and sanitary service connections for each parcel;
  - f. The location of all hydro, gas, telecommunication, and any other private or public service utility lines;
  - g. Any easements or encroachments affecting the lands; and
  - h. Any natural or built features that may be relevant to the severance, such as fences, culverts, ditches, trees near lot lines, gardens, or regulated area boundaries (i.e. Ausable Bayfield Conservation Authority).
9. That following the Municipality's review and approval of the preliminary survey, a draft Reference Plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of the Consent and that this plan be submitted to and

approved by the Municipality of North Middlesex prior to being deposited with the Land Registry Office.

10. That a Zoning By-law Amendment to appropriately rezone the 'Severed Parcel' and the 'Retained Parcel' in accordance with ZBA-8-2025 be in full force and effect.
11. That the owner shall confirm legal access for the 'Retained Parcel' to Pete Sebe Road, and if required, obtain an Entrance Permit to the satisfaction of the Municipality of North Middlesex.
12. That the 'Retained Parcel' shall be assigned a new 911 address, and the associated signage shall be posted, or confirmed to be posted, in accordance with municipal standards, to the satisfaction of the Municipality of North Middlesex and the County of Middlesex.
13. That all public and private service locations shall be confirmed to be located wholly on the parcel to which they service and do not encroach beyond the proposed lot lines, to the satisfaction of the Municipality of North Middlesex. If the services are not wholly located on the property to which they service, they shall be relocated at the sole expense of the registered owner and at no cost to the Municipality of North Middlesex, to the satisfaction of the Municipality of North Middlesex.
14. That the owner shall enter into a Severance & Development Agreement with the Municipality of North Middlesex in order to advise future owner(s) of the 'Severed Parcel' of normal farm practices occurring in the area as outlined in the Farming and Food Production Protection Act, 1998, as amended, and address any other servicing requirements that may result from the submission of the Preliminary Survey by the Ontario Land Surveyor.
15. That if required the assessment schedule(s) for the impacted municipal drain(s) be reassessed under the Drainage Act R.S.O 1990, c D17 at the sole expense of the Owner, in the format recommended by and to the satisfaction of the Drainage Superintendent of the Municipality of North Middlesex.
16. That the existing septic system on the 'Severed Parcel' shall be inspected by a qualified septic installer, and an Inspection Report shall be provided to the satisfaction of the Chief Building Official. The Inspection Report shall confirm the location of the existing system and verify that it is wholly contained within the boundaries of the 'Severed Parcel'. Should the Inspection Report determine any replacement or remedial works are required, these works shall be completed to the satisfaction of the Chief Building Official. If the septic system is found to be located on or encroach onto the 'Retained Parcel', it shall be relocated to be wholly contained within the 'Severed Parcel' at the sole cost of the owner/applicant.
17. That the location of the existing water service for the 'Severed Parcel' shall be confirmed to be wholly contained to the 'Severed Parcel' to the satisfaction of the Director of Infrastructure and Operations. If the water line is found to be located on or encroach onto the 'Retained Parcel', it shall be relocated to be wholly contained within the 'Severed Parcel' at the sole cost of the owner/applicant.

18. That the owner shall provide one digital PDF copy of the deposited reference plan(s) to the satisfaction of the Municipality of North Middlesex.

**AND FURTHER THAT** Council receive the report for information for Zoning By-law Amendment ZBA-8-2025, which proposes to rezone the 'Severed Parcel' of Consent B9-2025 to 'Agricultural Small Holding Exception 44 (AG1-44)' and the 'Retained Parcel' of Consent B9-2025 to 'General Agricultural Exception 117 (A1-117) Zone';

**AND FURTHER THAT** the associated implementing By-law be **APPROVED IN PRINCIPLE**;

**AND FURTHER THAT** the associated implementing By-law be read a first, second, and third and final time in open session following the deposit of the Reference Plan and the assignment of a new municipal 911 address to the 'Retained Parcel'.