



## MUNICIPALITY OF THAMES CENTRE

**REPORT NO.** PDS-019-24

**FILE NO.** B1-24 & Z1-24

**TO:** Mayor and Members of Council

**FROM:** Director of Planning & Development Services

**MEETING DATE:** March 25, 2024

**SUBJECT:** **Applications for Consent & Zoning By-law Amendment; Steven Bradley; 24089 Wellburn Road**

### RECOMMENDATION:

**THAT** Application for Consent B1-24 requested by Steven Bradley to sever a parcel of land containing a dwelling surplus to a farming operation as a result of farm consolidation having a frontage of approximately 73 metres along Wellburn Road and an area of approximately 0.8 hectares for lands legally described as Part of Lot 34, Concession 5 (geographic Township of West Nissouri), Municipality of Thames Centre, and known municipally as 24089 Wellburn Road be **APPROVED**, subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the Planning Act be given within two years 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 consent has been fulfilled and the required fee.
2. That the applicant provide a road widening dedication to the County of Middlesex across the frontage of the lands to be severed and the lands to be retained measuring up to 18 metres from the centreline of County Road 27 (Wellburn Road) if the right of way is not already to that width.
3. That the applicant obtain a rezoning approval to prohibit any new residential use on the lands to be retained being the remnant farm parcel.
4. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with such costs to be paid in full to the appropriate engineering firm, all to the satisfaction of the Drainage Superintendent.

5. That all applicable property taxes, municipal fees and charges be paid to the Municipality.
6. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official.
7. That the proponent provide evidence from an Ontario Land Surveyor which confirms with respect to the lands to be severed that all structures will be compliant with applicable zoning by-law setbacks and the existing private on-site sewage disposal system and well are wholly contained and compliant with applicable setbacks as required by the Ontario Building Code.
8. That the necessary deeds, transfers and charges for certificates and /or instruments necessary for registration be submitted electronically to the Municipality, all of which are to be fully executed.
9. That an electronic version of a deposited reference plan be submitted to legally describe the lands affected and in general conformity with this decision, all to the satisfaction of the Municipality.

## **REASONS**

- The application is consistent with the Provincial Policy Statement.
- Conformity with the County Official Plan and Municipal Official Plan would be maintained.
- The requirements of the Zoning By-Law are capable of being satisfied through the requested rezoning.
- The matters set out in Section 51(24) of the Planning Act would be satisfied.

**THAT** Application for Zoning By-law Amendment Z1-24 requested by Steven Bradley for lands legally described as Part of Lot 34, Concession 5 (geographic Township of West Nissouri), Municipality of Thames Centre, and known municipally as 24089 Wellburn Road, be **APPROVED** in principle and that the staff be directed to prepare the necessary Zoning By-law Amendment for Council's consideration at the next regular meeting.

## **PURPOSE:**

The purpose of the consent application is to sever a parcel of land to facilitate the disposal of a residence surplus to a farming operation as a result of farm consolidation. The purpose of the zoning by-law amendment application is to rezone the balance of the farm to prohibit any new residential use consistent with provincial and local planning policy.

## **BACKGROUND:**

The subject property is a 30 hectare (74 ac) farm situated on the west side of Wellburn Road (County Road 27), south of Elginfield Road (Highway 7). The farm contains a single detached dwelling (serviced by a private septic system and well) and a pole shed. The lands are primarily used for field crop cultivation, except for a portion of the lands adjacent to Gregory Creek which are regulated by the Upper Thames River Conservation Authority. According to

the Thames Centre Official Plan and Comprehensive Zoning By-law, the subject lands are designated Agricultural and zoned Agricultural (A). Surrounding land uses are predominantly agricultural in nature.

The lands to be severed would have frontage of approximately 73 metres (240 ft) along Wellburn Road and an area of approximately 0.8 hectares (2 ac) and would contain the single detached dwelling and pole shed. Used for the cultivation of field crops, the lands to be retained are vacant and would have a broken frontage of approximately 223 metres (732 ft) along Wellburn Road and an area of approximately 29 hectares (72 ac). The applicant is also proposing to rezone the lands to be retained from the Agricultural (A) Zone to the site-specific Agricultural (A-45) Zone to prohibit any new residential use.

## **ANALYSIS:**

The Provincial Policy Statement (PPS), the County of Middlesex Official Plan and Municipal Official Plan generally permit lot creation in agricultural areas for a dwelling surplus to a farming operation as a result of farm consolidation subject to criteria including but not limited to the dwelling being habitable; at least 10 years old; the residential parcel is to be the minimum size need to accommodate the residential use and private servicing. Consolidation means the acquisition of additional farm parcels to be operated as a single farming operation.

The dwelling is habitable and constructed in the late 1800s; the applicant's home farm is located in Perth County and the applicant owns and operates 6 farms totaling 194 hectares (480 ac). In all, staff is satisfied that the foregoing criteria has been satisfied. Issues including the location of the septic system and potable well, etc. are capable of being addressed through conditions of consent.

The lands to be severed would comply with the undersized lot provisions of the Agricultural (A) Zone. To prohibit any new residential use on the balance of the farm being the lands to be retained and consistent with provincial and local policy, a site-specific Agricultural (A-45) Zone is being requested. In all, this rezoning, is appropriate and represents good planning.

Based on the foregoing, the subject applications are consistent with the Provincial Policy Statement, and in conformity with the Middlesex County and Thames Centre Official Plans.

## **CIRCULATION COMMENTS:**

### **Agency Comments**

In the circulation of the notice of public meeting to prescribed agencies, the following comments were received:



County Engineer:

The owner will be required to dedicate lands up to 18 m from the centreline of construction of County Road 27 (Wellburn Road) across the severed and retained parcels to the County of Middlesex for the purposes of road widening if the right of way is not already to that width.

Upper Thames River Conservation Authority:

No objections.

Director of Public Works:

Public Works have no comments/concerns with this application.

Drainage Superintendent:

Drainage reassessment is required.

Chief Building Official:

No comments on the rezoning. For the consent application, recommended conditions:

- That the proponent provide evidence from an Ontario Land Surveyor which confirms that all structures will be compliant with applicable zoning by-law provisions on the lands to be severed.
- That the proponent provide evidence from an Ontario Land Surveyor which confirms that the existing onsite sewage system and well are wholly contained and compliant with applicable setbacks from property line, as required by the Ontario Building Code, on the lands to be severed.

**Public Comments**

In the circulation of the notice of public meeting to surrounding property owners, no responses have been received as of the date of this report.

**FINANCIAL IMPLICATIONS:**

None.

**STRATEGIC PLAN LINK**

**Pillar:** *Smart Planning*

**Goal:** *Make smart planning decisions to grow the community, while maintaining a "hometown feel"*

## ATTACHMENTS:

Location Map

Prepared by: M. Bancroft, Director of Planning and Development Services

Reviewed by: D. Barrick, Chief Administrative Officer