



## MUNICIPALITY OF THAMES CENTRE

**REPORT NO.** PDS-031-24

**FILE NO.** B6-24

**TO:** Mayor and Members of Council  
**FROM:** Director of Planning & Development Services  
**MEETING DATE:** May 27, 2024  
**SUBJECT:** **APPLICATION FOR CONSENT; KEVIN & JODI MCGUFFIN (APPLICANT); STEWART FINDLATER (AGENT); 22803 NISSOURI ROAD**

### RECOMMENDATION:

**THAT** Application for Consent B6-24 requested by Stewart Findlater on behalf of Kevin and Jodi McGuffin to sever a parcel of land having a frontage of approximately 100 metres along Nissouri Road and an area of approximately 2.9 hectares to facilitate the disposal of a residence surplus to a farming operation as a result of farm consolidation for lands legally described as Part of Lot 24, Concession 2 (geographic Township of West Nissouri), Municipality of Thames Centre, and known municipally as 22803 Nissouri Road be **DENIED**.

### REASONS

- The application is not consistent with the Provincial Policy Statement.
- Conformity with the County of Middlesex Official Plan would not be maintained.
- Conformity with the Municipality of Thames Centre Official Plan would not be maintained.

### PURPOSE:

The purpose and effect of the subject application is to sever a parcel of land containing a dwelling surplus to a farming operation as a result of farm consolidation.

### BACKGROUND:

The subject property is a 53 hectare (130 ac) farm situated on the west side of Nissouri Road (County Road 27), south of Plover Mills Road (County Road 16) and backing onto the Thames River. The farm contains a single detached dwelling (serviced by a private septic system and well), a driveshed and a smaller storage building. The lands are primarily used for field crop cultivation, except for the back quarter of the farm which contains a woodlot backing onto the Thames River.

According to the Thames Centre Official Plan, the lands are designated Agricultural and Protection Area. The lands are zoned Agricultural (A) and Environmental Protection (EP) according to the Thames Centre Comprehensive Zoning By-law. The property contains natural heritage features including significant woodlands as identified by the Middlesex Natural Heritage Systems Study (MNHSS, 2014) and contains lands regulated by the Upper Thames River Conservation Authority (UTRCA) given the proximity of the Thames River.

The lands to be severed would have frontage of approximately 100 metres (328 ft) along Nissouri Road (County Road 27) and an area of approximately 2.9 hectares (7.2 ac) and would contain the farm dwelling, driveshed and smaller storage building. The lands to be retained, being the balance of the farm, are vacant and would have a broken frontage of approximately 315 metres (1,034 ft) along Nissouri Road (County Road 27) and an area of approximately 49.5 hectares (122 ac).

## **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 and at least 10 years old; the residential parcel is to be the minimum size need to accommodate the residential use and private servicing; the inclusion of cultivated agricultural land is to be kept to a minimum; and, prohibiting any future dwelling on the balance of the farm. 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 2 farms totaling 93 hectares (230 ac). However, staff is concerned that the size of the proposed residential parcel is significantly greater than the amount of land required to accommodate the dwelling and private servicing resulting in the unwarranted fragmentation of agricultural land. The protection and preservation of agricultural land is a matter of provincial interest. The inclusion of cultivated land is not being kept to a minimum resulting in the loss of approximately 1.6 hectares (4 ac) of farmland whereas the policy framework clearly states the proposed lot should be kept to a minimum size to accommodate the residential use and private servicing.

Considering the farm dwelling is setback approximately 200 metres (656 ft) from Nissouri Road (County Road 27), not every farm dwelling is a candidate for a surplus farm dwelling severance. Unfortunately for the applicant, there is no opportunity to reduce the size of the proposed residential lot to limit the loss of farmland considering Amendment No. 27 to the Thames Centre Official Plan (under appeal) prohibits the creation of flag-shaped parcels. Irregularly shaped or flag-shaped parcels are not conducive to the efficient use of land and do not represent sound land use planning.

To prohibit any new residential use on the balance of the farm being the lands to be retained and to be consistent with provincial and local policy, a rezoning would be required. Typically, a rezoning application is filed and processed concurrently with a surplus farm dwelling consent application, including the holding of a single public meeting of Municipal Council. Through their agent, the applicant has decided to not apply for a rezoning application at this

time. The applicant is aware of the zoning restriction that would apply to the balance of the farm to ensure consistency with provincial and local planning policies.

Based on the foregoing, the subject application is not consistent with the Provincial Policy Statement, and furthermore does not conform with the Middlesex County and Thames Centre Official Plans.

---

Should Council wish to approve the subject application, staff offers the following for consideration:

**THAT** Application for Consent B6-24 requested by Stewart Findlater on behalf of Kevin and Jodi McGuffin to sever a parcel of land having a frontage of approximately 100 metres along Nissouri Road and an area of approximately 2.9 hectares to facilitate the disposal of a residence surplus to a farming operation as a result of farm consolidation for lands legally described as Part of Lot 24, Concession 2 (geographic Township of West Nissouri), Municipality of Thames Centre, and known municipally as 22803 Nissouri 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 be also required to dedicate lands up to 18 m from the centreline of construction of County Road 27 (Nissouri Road) to the County of Middlesex across the severed and retained parcels for the purposes of road widening 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 all applicable property taxes, municipal fees and charges be paid to the Municipality.
5. That the applicant provide evidence from an Ontario Land Surveyor which confirms with respect to the lands to be severed that all structures shall 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, all to the satisfaction of the Chief Building Official.
6. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official.
7. 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.

8. 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 would be consistent with the Provincial Policy Statement.
- Conformity with the County Official Plan and the Thames Centre Official Plan would be maintained.
- The requirements of the Zoning By-Law are capable of being satisfied as a condition of consent to require a rezoning approval to prohibit any new residential use on the balance of the farm.

## **CIRCULATION COMMENTS:**

### **Agency Comments**

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

#### County of Middlesex

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

#### Drainage Superintendent:

No comment.

#### Chief Building Official:

The proponent shall provide evidence from an Ontario Land Surveyor which confirms that all retained structures will be compliant with applicable zoning by-law provisions on the lands to be severed to the satisfaction of the Chief Building Official.

The proponent shall provide evidence from an Ontario Land Surveyor which confirms that the existing on-site sewage system(s) 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 to the satisfaction of the Chief Building Official.

### **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