



## MUNICIPALITY OF THAMES CENTRE

**REPORT NO.** PDS-003-025

**FILE NO.** B17-24

**TO:** Mayor and Members of Council

**FROM:** E. Besch, Planner

**MEETING DATE:** January 27, 2025

**SUBJECT:** **Application for Consent (B17-24); Plover Mills Commodities Ltd. (Applicants); 23372 & 23364 Wellburn Road (County Road 27).**

### RECOMMENDATION:

**THAT** Application for Consent B17-24 requested by Plover Mills Commodities Ltd. for lands legally described as Part of Lot 29, Concession 6; and Parts 1 & 2 of RP 33R5758 (geographic Township of West Nissouri), Municipality of Thames Centre, and known municipally as 23372 & 23364 Wellburn Road (County Road 27) 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 applicants 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 applicants 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.
4. That all applicable property taxes, municipal fees and charges be paid to the Municipality.
5. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official.
6. That the applicants 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. If a deficiency is identified through the draft reference plan, a minor variance

will be required, to the satisfaction of the Municipality.

7. That the applicants 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.
8. That the proponent confirm that the existing agricultural buildings, located on the lands to be severed, are being retained for residential accessory use. If yes, the proponent shall provide a report from a professional structural engineer confirming compliance with the Ontario Building Code structural requirements for use as residential accessory buildings or be removed completely from the lands to be severed, to the satisfaction of the Chief Building Official.
9. 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.
10. 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 Planning 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.

## **PURPOSE:**

The purpose and effect 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.

## **BACKGROUND:**

The subject property is a 31.5 hectare (77.84 ac) farm situated on the east side of Wellburn Road (County Road 27), south of the Hamlet of Wellburn. The farm contains two single detached residential dwellings, several agricultural buildings and a commercial grain elevator operation. The remainder of the lands are used for agricultural purposes in the form of field crop cultivation. The property is separated by a CN rail line running north/south through the farm field. The lands also contain the tail end of an open municipal drain, which is regulated by Upper Thames River Conservation Authority (UTRCA).

According to the Thames Centre Official Plan and Zoning By-law, the subject lands are designated Agricultural and zoned Agricultural (A) for the majority of the lands, and Rural

Industrial (M2) where the commercial grain elevators are located.

Surrounding land uses include agricultural uses, natural heritage features, and residential uses. The settlement area of Wellburn is located approximately 500 metres north of the subject lands.

The lands to be severed would contain the single detached dwelling known municipally as 23372 Wellburn Road (County Road 27) and is proposed to have a frontage of approximately 89 metres (292 ft) along Wellburn Road (County Road 27) and an area of approximately 0.63 hectares (1.56 ac). The lands also contain two small sheds and a bank barn. The dwelling is privately serviced with well and a septic system.

The lands to be retained would have frontage of approximately 371 metres (1,217 ft) along Wellburn Road (County Road 27) and an area of approximately 30.9 hectares (76.4 ac) and would contain the single detached dwelling known municipally as 23364 Wellburn Road (County Road 27), as well as a detached accessory building and a commercial grain elevator operation. The remainder of the lands are in agricultural production.

## **ANALYSIS:**

The Provincial Planning Statement (PPS), the County of Middlesex Official Plan and the Thames Centre 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 1800's; the applicant's home farm is located within Thames Centre and the applicant owns and operates 6 additional farms totaling approximately 142.5 ha (352 ac) in size. In all, planning staff are satisfied that the foregoing criteria have been met. 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 contain the single detached dwelling and several accessory buildings and would comply with the undersized lot provisions of the Agricultural (A) Zone. Staff note that a rezoning for the lands to be retained is not necessary in this case, as the existence of a dwelling at 23364 Wellburn Road prevents the lands from further residential development in the future.

Based on the foregoing, the subject application is consistent with the Provincial Planning Statement and in conformity with the Middlesex County and Thames Centre Official Plans

## **CONSULTATION**

In the circulation of the notice of public hearing 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) 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.

Director of Public Works:

Public Works have no comments/concerns with this application.

Drainage Superintendent:

Drainage reassessment will be required.

Hydro One:

No comments or concerns.

Chief Building Official:

1. Provide documentation from an Ontario Land Surveyor which demonstrates that all structures on the lands to be severed conform with applicable zoning provisions.
2. Provide documentation from an Ontario Land Surveyor which demonstrates that the well and septic system (including septic tank, filter bed and sand mantle) are wholly contained on the lands to be severed and compliant with clearance requirements as specified in the Ontario Building Code.
3. The proponent shall confirm that existing agricultural buildings, located on the lands to be severed, are being retained for residential accessory use. If yes, the proponent shall provide a report from a professional structural engineer confirming compliance with the Ontario Building Code structural requirements for use as residential accessory buildings or be removed completely from the lands to be severed.

Upper Thames River Conservation Authority:

No objections.

In the circulation of the notice of public hearing to surrounding property owners, no responses have been received from the public 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: E. Besch, Planner

Reviewed by: A. Storrey, Director of Planning and Development Services.

Reviewed by: D. Barrick, Chief Administrative Officer