



MUNICIPALITY OF THAMES CENTRE

REPORT NO. PDS-002-025

FILE NO. Z17-24

TO: Mayor and Members of Council

FROM: A. Kertesz, Planner

MEETING DATE: January 27, 2025

SUBJECT: **Zoning By-law Amendment Application (Z17-24); Jeffrey Eric Bushell and Samantha Lynn Bushell (Applicants); Jeffrey Eric Bushell (Agent); 2470 Cromarty Drive**

RECOMMENDATION:

THAT Application for Zoning By-law Amendment Z17-24 as requested by Jeffrey Bushell and Samantha Bushell to rezone the subject property from the Agricultural (A) Zone to a site-specific Agricultural (A-67) Zone to allow 'small animal crematorium' as a permitted use, in addition to all other uses permitted in the parent Agricultural (A) Zone for lands legally described as Part of Lots 6 to 10 on Plan 158 (geographic Township of North Dorchester), Municipality of Thames Centre be **APPROVED**;

AND THAT the implementing by-law be introduced in the by-law portion of the agenda.

PURPOSE:

The purpose and effect of this Application is to rezone the subject property from the Agricultural (A) Zone to a site-specific Agricultural (A-67) Zone to add 'Small Animal Crematorium' as an additional permitted use on the property.

BACKGROUND:

The subject lands are a 17.14 hectare (42.36 ac) farm located at the northeast corner of Elgin Road (County Road 73) and Cromarty Drive. The lands contain a single detached dwelling, a barn used for boarding horses, and a shed. The lands are serviced by a private well and septic system. According to the Thames Centre Official Plan, the lands are designated Agricultural, Natural Area and Protection Area. The lands are zoned Agricultural (A), Environmental Protection (EP) and Wetland (W) according to the Thames Centre Comprehensive Zoning By-law. The northerly lot line abuts Highway 401, in particular, the Elgin Road Highway 401 east bound on-ramp. The lands contain natural heritage features including significant woodlands recognized by the Middlesex Natural Heritage Systems Study, 2014 (MNHSS) and provincially significant wetlands. A majority of the property is regulated by the Upper Thames River Conservation Authority.

The applicants are seeking to establish a small animal crematorium business to accommodate small farm animals and pets under 200 pounds to operate out of an existing livestock building, being the barn used to board horses, which is otherwise not permitted.

This zoning by-law amendment is being sought as the proposal did not meet the Thames Centre Zoning By-law Agricultural Home Occupation criteria as the criteria does not allow for a home occupation to be located within an agricultural building.

The proposed small animal crematorium would be located within a separate room of the horse barn, having a floor area of 44.59 square metres (480 ft²) in the 388.52 square metre (4182 ft²) horse barn. The crematorium room also contains a kiln which will be used for creating keeps, sakes and glazed paw prints. A small monitoring station is located in the same general area as the crematorium, in a separate room which contains a computer that monitors the emissions and the functionality of the units. The cremation business would involve the applicants retrieving the animals from local veterinarians and other clients to be brought to the property to be cremated. The applicants have obtained an Environmental Compliance Approval (ECA) from the Ministry of the Environment, Conservation and Parks (MECP) to allow for the natural gas fired pet cremation units and a cremains processor. Surrounding land uses primarily include agricultural uses and natural heritage features. An industrial use being a stone and soil yard is located across from the property on the south side of Cromarty Drive.

ANALYSIS:

Under the Provincial Planning Statement 2024 (PPS), prime agricultural areas are defined as areas where prime agricultural lands predominate, which includes the immediate area including the subject lands. Given that agricultural land is a limited resource, these areas are to be protected according to the province being a matter of provincial interest.

In prime agricultural areas, permitted uses and activities according to the PPS include: agricultural uses, agriculture-related uses and on-farm diversified uses (OFDUs). The County of Middlesex Official Plan permits on-farm diversified uses subject to criteria including the criteria indicated in the provincial guidelines. Staff would like to note, Thames Centre's Official Plan does not currently contain policies that speak directly to OFDUs as it predates the Province's Guidelines document. Staff would like to note, although not currently in effect, the application is in line with the OFDU policies within Official Plan Amendment No. 27, being Thames Centre's Updated Official Plan.

Considering the subject property is a 17.14 hectare (42.36 ac) farm used for field crop cultivation and horse boarding, it contains an agricultural use. With respect to the proposed small animal crematorium, it could be considered as an OFDU provided the evaluation criteria as outlined by the Province has been met. To assist in determining whether the proposed use is OFDU under the PPS, the Ontario Ministry of Agricultural, Food and Agri-business (previously referred to as Ontario Ministry of Agricultural, Food and Rural Affairs (OMAFRA)) released a document in 2016 entitled *The Guidelines on*

Permitted Uses in Ontario's Prime Agricultural Areas. Through that document, all of the following criteria must be met for a use to qualify as an OFDU:

1) Located on a farm.

Applicant's response: The entirety of the proposed use and amendment is located within a farm building.

Staff's comments: The property is used for agricultural purposes including field crop cultivation and the boarding of horses. This criteria has been satisfied.

2) Secondary to the principal agricultural use of the property

Applicant's response: Approximately eleven acres of the property is designated for farming. The applicants rent the field to a farmer for field crop cultivation. The applicant has hopes to share-crop and take over the farming of the property in the future. The proposed diversified use does not inhibit any current agricultural uses on the property or neighbouring properties. It does not interfere with any cropping cycles, drainage or land use. It does not require grading, it does not require any waste water or any emergency services. Upon the request of the building inspector, a firewall in compliance with the OBC was erected and passed inspection.

Staff's comments: The lands will continue to be used for agricultural purposes and staff do not anticipate that the small animal crematorium will interfere with the horse stable as it is located in a separate room and will also not interfere with field crop cultivation. Therefore, the small pet crematorium can be considered secondary to the principal agricultural use of the property. This criteria has been satisfied.

3) Limited in area

Applicant's response: The proposed on-farm diversified use is limited in area and scope. The applicant (Jeffery Bushell) is the only person that operates the cremation units. The applicant's parents maintain the property. The proposed use is confined to an area of 9.14 metres (30 ft) by 6.1 metres (20 ft) and takes up less than 20% of the overall farm building and much less than 1% of the overall property. This proposed use does not reduce the amount of arable land. Since the applicant has installed the burner, he has updated all of the buildings on the property, increased the amount of land being farmed, and increased the number of animals being housed at the farm.

Staff's comments: As noted above, the space within the barn that would contain the cremation units would take up less than 20% of the existing barn. Additionally, staff would like to note there is a small monitoring station space in the same general area of the barn which is required for the crematorium. Staff do not have concerns with size of the crematorium and the monitoring system space as the business would be limited in area and under the maximum size of 2% of

the property. Staff does not have concerns with parking since the business would generally involve the applicant retrieving the animals to bring back to the site, therefore it is not anticipated that there will be much traffic or need for more parking beyond what is already located by the barn for horse boarding and farm parking. Based on the foregoing, this criteria has been satisfied.

4) Includes but is not limited to home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products

Applicant's response: The proposed use is only to service local farms, local residents and animal hospitals. There is no plan to scale up but only to meet a need in this community. Thorndale Animal hospital, Shaw Road Animal Hospital, and East Middlesex Animal Hospital would like to use the small animal crematorium services as soon as possible and pending approval of this amendment.

Staff's comments: The proposed small animal crematorium can be considered an OFDU being secondary to the main agricultural use of the property and limited in area. This criteria has been satisfied.

5) Shall be compatible with, and shall not hinder, surrounding agricultural operations.

Applicant's response: The applicant has approval of the Ministry of the Environment that the proposed use does not hinder on farm operations or surrounding operations through either noise or air quality.

Staff's comments: The proposed small animal crematorium would be compatible with surrounding agricultural operations and is not anticipated to hinder them given the size, scale, and location of the proposed use as well as the terms of condition requirements of the Ministry of the Environment, Conservation, and Parks' (MECP) Environmental Compliance Approval (ECA) that was obtained by the applicant for the natural gas fired pet cremation units and a cremains processor.

The Thames Centre Official Plan requires that prior to the approval of a zoning by-law amendment, it shall be established to the satisfaction of Council that:

- *Soil and drainage conditions are suitable to permit the proper siting of buildings;*

There are no new buildings or structures proposed to accommodate the proposed use given the existing barn is to be used for the small animal crematorium. The applicant received a building permit for the existing furnace that was installed for the business. Any additional renovations for the proposal may require a building permit.

- *Services and utilities, whether they are municipal or private, can adequately accommodate the proposed development. Full municipal or communal sanitary and water services will be the preferred method of servicing development;*

No additional private servicing is required to accommodate the proposed use.

- *The road system is adequate to accommodate projected increases in traffic;*

Access to the site is via Cromarty Drive which is a local road maintained to local standards. Impact to traffic is anticipated to be limited as a result of the requested zoning by-law amendment. The applicant advised he would be retrieving the animals from local veterinarians and other clients to be brought to the property to be cremated. No concerns were identified by the Director of Public Works or the County Engineer in the circulation of this application.

- *The land fronts on a public road (unless specifically noted as an approved private road) which is of a reasonable standard of construction and maintenance;*

The lands front onto a public road, being Cromarty Drive and furthermore, as noted, the Director of Public Works and the County Engineer identified no concerns in the circulation of this application.

- *Lot frontage and area is suitable for the proposed use and conforms to the standards required by the implementing Zoning By-law;*

The lot frontage is suitable for the proposed use and conforms to the standards of the zoning by-law. While the lot does not meet the minimum lot area requirement for the Agricultural (A) zone, staff is of the opinion that the lot is a sufficient size to accommodate the proposed small animal crematorium.

- *Adequate measures will be taken to alleviate or prevent any adverse effects that the proposed use may possibly have upon any proposed or existing adjacent use or on the natural heritage features and functions.*

Unacceptable adverse effects on surrounding uses or natural heritage features and functions are not anticipated considering the proposed use would be located within an existing building and furthermore the applicant has received an ECA from the MECP for the natural gas fired pet cremation units and a cremains processor.

As required by the terms and conditions of the ECA, the emission concentrations and temperature of the cremation units are required to remain at specific levels which are monitored by a continuous monitoring system. The terms and conditions of the ECA speak to operating parameters, emission concentration limits, noise, operation and maintenance, source testing, continuous monitoring, record retention, and notification of complaints. Through the record retention, the applicant is also required to retain all records of the continuous monitoring system for a minimum of two (2) years, to be made available to staff of the MECP upon request. Furthermore, the applicant is to notify the District Manager for the MECP of any environmental complaint within two business days of the complaint.

As the Thames Centre Comprehensive Zoning by-law does not contain a definition for a small animal crematorium, staff offer the following definition to be included within the site-specific Agricultural (A-67) Zone provisions: “Small Animal Crematorium shall mean a cremation facility which accommodates small farm animals and pets under 200 pounds”.

Based on the foregoing, the subject proposal is consistent with the Provincial Planning Statement and conforms to the County of Middlesex and Thames Centre Official Plans.

CONSULTATION:

County Engineer:

No comment.

Director of Public Works:

Public Works have no comments or concerns with this application.

Drainage Superintendent:

No concerns.

Chief Building Official

No comments.

Upper Thames River Conservation Authority:

The UTRCA has ***no objections*** to the Zoning By-law Amendment application as:

- The existing building to be converted into the proposed use is outside of the UTRCA regulated area; and,
- The Wetland and Environmental Protection Zones will remain unchanged.

We wish to advise the applicant that a Section 28 Permit will **not** be required from UTRCA Regulations staff for this proposal, but that any future development to the subject lands may be subject to Section 28 Permit requirements depending on location.

Ministry of Transportation

MTO has no requirements for this application.

The owner should be aware that the subject property as a whole falls within MTO's Permit Control Area (PCA). As such, consultation with MTO is required prior to the issuance of MTO Permits, which are required prior to any demolition, grading, construction, or alteration of the site. In accordance with the Ontario Building Code, municipal permits may not be issued until such time as all other applicable requirements (i.e.: MTO permits/approvals) are satisfied.

In the circulation of the notice of public meeting 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: A. Kertesz, Planner

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

Reviewed by: D. Barrick, Chief Administrative Officer