



Staff Report

Report No. PDS-023-25

To: Mayor and Members of Council

From: E. Besch, Planner

Meeting Date: May 26, 2025

Subject: **Application for Consent (B4-25); Lynalwood Farms Ltd. (Applicants); Emily Woods (Agent); 20664 Heritage Road**

Recommendation:

THAT Application for Consent B4-25 requested by Lynalwood Farms Ltd. for lands legally described as Part of Lots 6 and 7, Concession 5, (geographic Township of West Nissouri), Municipality of Thames Centre, and known municipally as 20664 Heritage 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 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.
3. That all applicable property taxes, municipal fees and charges be paid to the Municipality.
4. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official.
5. That the applicant be required to remove the eastern portions of the storage shed to the satisfaction of the Chief Building Official.
6. 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.

7. 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.
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 Planning Statement.
- Conformity with the County Official Plan and Municipal Official Plan would be maintained.
- The requirements of the Zoning By-Law would be 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 a farm consolidation.

Background:

The subject property is a 98.92 hectare (244 ac) farm situated on the east side of Heritage Road and the north side of Evelyn Drive. Used primarily for the cultivation of field crops, the farm contains a single detached dwelling and accessory buildings in the form of a detached garage and a storage shed. The dwelling is serviced by a private well and septic system.

The lands proposed to be conveyed would have a frontage of approximately 61.47 metres (201.67 ft) along Heritage Road and an area of approximately 1.17 hectares (2.89 ac) to facilitate the disposal of a residence surplus to a farming operation as a result of farm consolidation. The lands would contain the single detached dwelling, the detached garage, as well as the storage shed. The applicant is proposing to remove the eastern portions of the storage shed as they cross over the proposed rear lot line. Used primarily for the cultivation of field crops, the lands to be retained would have a broken frontage along Heritage Road and an area of approximately 97.75 hectares (241.56 ac). The lands to be retained contain an abandoned Bell easement.

This proposed severance was originally submitted and approved in July 2022. However, the conditions of approval were not completed within two years of the decision, and the consent

lapsed. The applicant has resubmitted the application as it was originally approved.

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

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 was constructed in 1880; the applicants' home farm is located at 20901 Heritage Road and the applicants own and operate several farms totaling approximately 242.81 hectares (600 ac). In all, staff is satisfied that the foregoing criteria has been generally satisfied. Issues related to the location of the septic system and potable well, etc. are capable of being addressed through conditions of consent.

The lot to be severed would comply with the undersized lot provisions of the Agricultural (A) Zone. For surplus farm dwelling severances, a rezoning application is normally filed concurrently with a consent application to prohibit a new residential use on the balance of the farm consistent with PPS as well as in conformity with the County and Thames Centre Official Plans. Given that the balance of the farm contains two (2) single detached dwellings, a rezoning would be redundant considering the maximum number of dwellings permitted on a farm is one (1).

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

Consultation:

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

Director of Public Works:

Public Works have no comments/concerns with this application.

Drainage Superintendent:

Drainage reassessment is required.

County Engineer:

No comments.

Chief Building Official:

The proponent shall provide sufficient documentation from an Ontario Land Surveyor to demonstrate compliance of all buildings on the parcel to be retained (including septic tank, septic bed and well) with applicable zoning by-law setbacks and building code setbacks.

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