



Staff Report

Report No. PDS-025-25

To: Mayor and Members of Council

From: A. Kertesz, Planner

Meeting Date: May 26, 2025

Subject: **Applications for Consent (B6-25) and Zoning By-Law Amendment (Z12-25); Morning Star Farms Ltd. (Applicants); 17043 Plover Mills Road**

Recommendation:

THAT Application for Consent B6-25 requested by Morning Star Farms Ltd. to sever a parcel of land to dispose of a dwelling surplus to a farming operation as a result of farm consolidation having an area of approximately 0.63 hectares (1.56 ac) and a frontage of approximately 47 metres (154 ft) for lands legally described as East Part of Lot 25, Concession 3 (geographic Township of West Nissouri), Municipality of Thames Centre, and known municipally as 17043 Plover Mills Road (County Road 16) 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 16 (Plover Mills 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 that all structures will be compliant with applicable zoning by-law provisions on the lands to be severed.
8. 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.
9. That the applicants obtain a road entrance permit from the applicable road authority and construct a new entrance from the roadway for access to the lands to be retained being the remnant farm parcel, to the satisfaction of the applicable road authority.
10. That the applicants obtain a new municipal address for the lands to be retained, being the remnant farm parcel, including providing the applicable fee for a new 911 address sign and post.
11. 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.
12. 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 through the requested rezoning.

THAT Application for Zoning By-law Amendment Z12-25 requested by Morning Star Farms Ltd. to rezone the balance of the farm (retained lot) **from** the Agricultural (A) Zone **to** the site-specific Agricultural (A-45) Zone for lands legally described as East Lot 25, Concession 3 (geographic Township of West Nissouri), Municipality of Thames Centre, and known municipally as 17043 Plover Mills Road (County Road 16) be **APPROVED**;

AND THAT the implementing by-law be **CONSIDERED**, as included in the by-law portion of the agenda.

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 pending 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 38.38 hectare (94.84 acre) farm situated on the south side of Love Mills Road (County Road 116) and the west side of Fairview Road. The farm contains a single detached dwelling serviced by a private well and septic system and a drive shed. All other farm buildings have been removed with only the foundations remaining. The applicants have advised they intend to remove the foundations to create additional workable land. The lands are used for field crop cultivation. According to the Thames Centre Official Plan and Zoning By-law, the subject lands are designated Agricultural and zoned Agricultural (A). Surrounding land uses are predominantly agricultural and rural residential in nature.

The lands to be severed would have frontage of approximately 47 metres (154 ft) along Plover Mills Road (County Road 16), an area of approximately 0.63 hectares (1.56 ac) and would contain the single detached dwelling and driveshed. The lands to be retained would contain farmland and would have a broken frontage of approximately 605 metres (1984.91 ft) along Plover Mills Road (County Road 16) and an area of approximately 36.57 hectares (90.37 ac).

The applicants are also proposing to rezone the lands to be retained, being the farmland from the Agricultural (A) Zone to the site-specific Agricultural (A-45) Zone to prohibit any new residential use.

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 1973; the applicants home farm is located within the Municipality and they own and operate several farms totaling approximately 443 ha (1094.51 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, which would contain the single detached dwelling and drive shed, would comply with the undersized lot provisions of the Agricultural (A) Zone. To prohibit any

new residential use on the balance of the farm and to be consistent with provincial and local policy, a site-specific Agricultural (A-45) Zone is being requested for the lands to be severed. In all, this rezoning, is appropriate and represents good planning.

Based on the foregoing, the subject applications are 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 16 (Plover Mills 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.

Director of Public Works:

PW has no comments/concerns with this application.

Drainage Superintendent:

Drain reassessment required.

Chief Building Official:

1. The proponent shall provide documentation from an Ontario Land Surveyor which demonstrates compliance with applicable zoning provisions for all buildings on the lands to be severed.
2. The proponent shall provide documentation from an Ontario Land Surveyor which demonstrates that the existing septic tank and septic bed are wholly contained within the lands to be severed and comply with Ontario Building Code requirements for clearance from property lines.

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: L. Nooren, Senior Planner

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

Reviewed by: D. Barrick, Chief Administrative Officer