



Staff Report

Report No. PDS-026-25
To: Mayor and Members of Council
From: A. Kertesz, Planner
Meeting Date: May 26, 2025
Subject: Official Plan Amendment Application (O1-25) and Zoning By-law Amendment Application (Z9-25); CBM Aggregates c/o Stephen May (Applicant); MHBC Planning c/o Neal DeRuyter 20115 Purple Hill Road

Recommendation:

THAT Application for Official Plan Amendment O1-25 requested by CBM Aggregates to redesignate a portion of the subject property from Extractive Industrial to Agricultural for lands legally described as East Part of Lot 2, Concession 5 (geographic Township of West Nissouri) designated as Parts 1 and 2 on Reference Plan 33R-4683 and East Part of Lot 1, Concession 5, (geographic Township of West Nissouri), Municipality of Thames Centre **BE ADOPTED**;

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

AND THAT Application related Zoning By-law Amendment Z9-25 requested by CBM Aggregates to rezone a portion of the subject property **from** the Extractive Industrial (M3) Zone **to** the Agricultural (A) Zone to revert the lands back to agricultural uses on the property, for lands legally described as East Part of Lot 2, Concession 5 (geographic Township of West Nissouri) designated as Parts 1 and 2 on Reference Plan 33R-4683 and East Part of Lot 1, Concession 5, (geographic Township of West Nissouri), Municipality of Thames Centre **BE APPROVED** in principle;

AND THAT the implementing by-law be brought forward at a future Council meeting for consideration once the Official Plan Amendment is approved by the County of Middlesex.

REASONS

- The applications are consistent with the Provincial Planning Statement.
- Conformity with the County Official Plan and Municipal Official Plan would be maintained through the requested Official Plan Amendment.
- The requirements of the Thames Centre Comprehensive Zoning By-Law are capable of being satisfied through the requested rezoning.

Purpose:

The purpose and effect of the subject applications is to re-designate a portion of the subject property from the Extractive Industrial designation to the Agricultural designation and to rezone from Extractive Industrial (M3) Zone to the Agricultural (A) Zone to revert the lands back to agricultural uses including allowing for a single detached dwelling since the gravel pits that were once operating from the subject lands have now ceased operations. The balance of the lands, being designated Protection Area and zoned Environmental Protection (EP) are to remain unchanged

Background:

The subject property is an 8.6 hectares (21.3 ac) vacant lot situated on the west side of Purple Hill Road, north of Dundas Street (County Road 2) and abutting the CP Railway. The lands once contained active aggregate operations which have since ceased. The lands contain a lake that was created as a result of aggregate extraction below the water table. The lake extends into the neighbouring lands to the north which were also previously used for aggregate extraction but have since been rehabilitated. Apart from the lake, there is a segment of land with approximately 199 metres (652.8 ft) of frontage and are approximately 1.57 ha (3.9 ac) in size (given the irregular shape of the segment, area is approximate). Additionally, the lands also contain a small pond and natural heritage features including significant woodlands. A majority of the lands are regulated by the Upper Thames River Conservation Authority (UTRCA).

The applicants are seeking to redesignate and rezone the two former gravel pits to revert the lands back to an agricultural designation and to allow for the permitted uses under the Agricultural (A) Zone, which includes a single detached dwelling since site rehabilitation has occurred and the aggregate licenses under the Aggregate Resources Act (ARA) have been surrendered. The applicants are looking to dispose of the subject lands now that the aggregate licenses have been surrendered and rehabilitation has occurred. No buildings or structures are proposed as part of the subject applications. Staff would like to note, should the lands be redesignated to the Agricultural designation and rezoned to the Agricultural (A) Zone, any proposed buildings or structures must comply with the regulations of the zoning by-law.

Surrounding land uses include a former aggregate pit to the north which has been rehabilitated and is used for agricultural/ residential purposes. The property to the north contains the majority of the lake which is also located on the subject lands. Residential and agricultural uses are located to the east, agricultural uses and natural heritage features are located to the south and to the west. As previously noted, the lands abut the CP Railway.

The subject lands are designated Extractive Industrial and Protection Area according to the Thames Centre Official Plan and are zoned Extractive Industrial (M3) and Environmental Protection (EP) according to the Thames Centre Comprehensive Zoning By-law.

Analysis:

The Provincial Planning Statement 2024 (PPS) indicates rehabilitation shall be required to accommodate subsequent land uses once an aggregate operation has ceased. Within prime agricultural areas, it is noted that aggregate extraction sites are permitted as interim uses are to be rehabilitated back to an agricultural condition. The PPS also states complete rehabilitation back to an agricultural condition is not required if the depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible and agricultural rehabilitation in remaining areas is maximized. In this case, agricultural condition refers to prime agricultural land outside of specialty crop areas and is a condition in which substantially the same areas and same average soil capability for agriculture will be maintained, restored, or enhanced.

According to the County of Middlesex Official Plan, the subject lands are located within a prime agricultural area where agricultural uses prevail. The County's Official Plan echoes the PPS and indicates aggregate extraction in prime agricultural areas is permitted as an interim use. Both the County's Official Plan and Thames Centre's Official Plan note aggregate extraction sites are to be rehabilitated back to an agricultural condition, other than where there is a substantial quantity of mineral aggregate resources below the water table warranting extraction and that agricultural rehabilitation in remaining areas is maximized.

With reference to the policies noted above, as previously noted in the report, aggregate extraction on the subject lands occurred below the water table which resulted in the formation of a large lake. Apart from the lake, there is a segment of remaining area within the Extractive Industrial designation. Staff is of the opinion that the request to redesignate the lands from Extractive Industrial to Agricultural is consistent with provincial policy and conforms to the County and local Official Plan as the portion of land once used for aggregate extraction has now been rehabilitated. The segment of remaining area, although undersized, could accommodate a range of uses that could be established on the subject lands such as farm buildings, a market garden, a single detached dwelling, etc.

The rationale for amending Thames Centre's Official Plan is based on the following evaluation criteria provided under Section 7.20 of the Official Plan. Below, each criterion is listed, followed by a comment found in the application submission materials:

1) *The Provincial Policy Statement (now the Provincial Planning Statement (2024), as amended from time to time;*

Comment: The Provincial Planning Statement requires site rehabilitation for aggregate operations once they have ceased extraction and notes final rehabilitation shall take surrounding land use and approved land use designations into consideration. The proposed designation and zone of the rehabilitated lands are compatible with the surrounding area and land uses.

2) *The desirability and appropriateness of changing the Official Plan to accommodate the proposed use in light of the basic objectives and intent of the Official Plan;*

Comment: The proposed agricultural designation would reflect the current rehabilitated condition of the subject lands and protect the site for long-term agricultural use.

3) *The goals and policies of this Plan;*

Comment: A goal for aggregate resources in the Municipality is to ensure that aggregate extraction and petroleum sites are rehabilitated to leave the sites amendable for uses that are compatible and consistent with surrounding land uses. Additionally, the permitted uses for lands designated Agricultural in the Municipality shall be limited to agricultural uses and related buildings and structures, including specialty crops, cash crops, livestock and poultry, and forestry and silviculture, as well as petroleum extraction and open space and conservation uses (3.1.3.1). The proposed amendment to redesignate the subject lands to the 'Agricultural' designation reflects the appropriate land use designation given the surrounding area. Staff note the proposed Official Plan Amendment would revert the lands back to agricultural uses which is a requirement for aggregate resource sites once extraction has ceased according to Thames Centre Official Plan.

4) *Conformity with County policy*

Comment: All land in the County is designated 'Agricultural Area' except the identified 'Settlement Areas'. The Agricultural Area is determined to be Prime Agricultural Area as defined by the Provincial Planning Statement 2024. The County Official Plan provides that non-agricultural uses are discouraged in Prime Agricultural Areas. Agricultural operations shall be compatible with and not hinder, surrounding agricultural operations. The surrounding land contains a range of land uses including residential, agricultural and mineral aggregate extraction operations. The proposed amendment for the subject lands will recognize surrendering of the licenses under the ARA and will allow for appropriate after-uses, being agricultural uses, such as a single detached dwelling, compatible with the surrounding area.

5) *The need for the proposed use, including justification for the amount of land proposed for a change in designation based on existing undeveloped lands available for development*

Comment: As the subject lands have been rehabilitated to the satisfaction of the Ministry of Natural Resources, it would no longer be appropriate to retain the Extractive Industrial designation. Staff would like to note, the PPS, County Official Plan and Thames Centre Official Plan requires site rehabilitation back to an agricultural condition. The proposed amendment would allow for agricultural uses to be undertaken on the subject lands for the long term. The existing Extractive Industrial designation allows for uses permitted prior to licensing although considering the lands are vacant, the existing designation and associated zone do not permit a new single detached dwelling.

6) *Whether the subject lands are within 120 metres of lands designated "Natural Area" and the results of an Environmental Impact Study as outlined in Section 3.2.3.1 of this Plan;*

The subject lands are not located within 120 metres of lands designated "Natural Area". The lands contain natural heritage features including significant woodlands within the

'Protection Area' designation. These lands are to remain unchanged. The portion of the subject lands to be redesignated from Extractive Industrial to Agricultural is outside of the natural heritage feature. Staff note, as these lands are proposed to be reverted to an agricultural use identified within an agricultural area, according to the County of Middlesex Official Plan, and no new buildings or structures are proposed at this time, an Environmental Impact Study was not required for the subject proposal.

7) The effect on the economy and financial position of the Municipality;

Comment: The proposed Official Plan Amendment does not propose the development of any buildings or structures at this time. There will be no financial expenditures for the Municipality however the property tax will be adjusted to reflect the use.

8) The compatibility of the proposed use with existing uses or potential uses in adjoining areas and the effect of such use on the surrounding area including the natural environment;

Comment: The surrounding land contains a range of land uses including residential, agricultural and mineral aggregate extraction operations. The proposed amendments for the subject lands will recognize the surrendering of the licences under the ARA and will allow for appropriate after-uses, compatible with the surrounding area.

9) The location of the site with respect to the transportation system, the adequacy of the potable water supply, sewage disposal facilities, solid waste disposal, and other municipal services as required, including the ability to provide logical extensions to existing services;

Comment: The proposed Zoning By-law amendment does not propose the development of any buildings or structures. The amendment is proposed to rezone the lands following the rehabilitation of the former licenced aggregate pits. The matters required to be reviewed by Council can be examined for any future development applications of the subject lands. In addition to the foregoing, staff note, as a pre-requisite to a future building permit, subject to the type of proposed structure, adequacy of potable water and sewage disposal system would need to be demonstrated. Staff would also like to note, no concerns were identified by the Director of Public Works with regard to the transportation system.

10) The physical suitability of the land for the proposed use;

Comment: The undersized agricultural lot provisions within the zoning by-law would be applicable as the lands are less than the required minimum 40 hectares for agricultural lots. Staff would like to note, as previously mentioned, there is a segment of remaining area within the lands to be designated back to Agricultural. Although undersized, there are a range of uses that could be established on the subject lands such as farm buildings, a market garden, a single detached dwelling, etc.

11) The effect on the provision of affordable housing in the Municipality; and

Comment: The proposed Official Plan Amendment does not propose the development of any buildings or structures. Staff note, the proposed amendment has no relevancy to the provision of affordable housing.

12) Whether the subject lands contain natural features or natural hazard lands that should be subject to an Environmental Impact Study as outlined in Section 3.2.3.1 of this Plan

Comment: The subject lands contain natural heritage features including significant woodlands. Staff note, a majority of the lands are regulated by the UTRCA. An environmental impact study was not required given the proposal involves reverting the lands back to agricultural uses after the aggregate operation has ceased operations and site rehabilitation has been undertaken. The 'Protection Area' designation is to remain unchanged.

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 at this time.

- ***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;***

Given no new buildings or structures are proposed, services and utilities are not required at this time.

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

Access to the subject lands is via Purple Hill Road, which is a local road under the jurisdiction of Thames Centre. Given no buildings or structures are proposed at this time, and also considering they are predominantly agricultural, staff do not anticipate the permitted uses would have a significant impact on traffic. No concerns were identified by the Director of Public Works 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, Purple Hill Road, maintained to local standards. Furthermore, as noted, the Director of Public Works 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 lands do not meet the minimum lot area requirements for the A Zone, the zoning by-law contains undersized lot provisions for cases where agricultural lands do not meet the 40 hectare minimum area requirement. Based on the foregoing, staff believe the frontage and area is suitable for the proposed use.

- ***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.***

Any unacceptable adverse effects on surrounding uses are not anticipated given the nature of the proposal. The existing Environmental Protection (EP) Zone is to remain unchanged which includes the natural heritage features and significant woodlands on the property. No buildings or structures are proposed at this time.

Based on the foregoing, the subject proposals are 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:

PW have no comments/concerns with this application.

Drainage Superintendent:

No comment.

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

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Reviewed by: D. Barrick, Chief Administrative Officer