



Staff Report

Report No. PDS-033-25

To: Mayor and Members of Council

From: A. Kertesz, Planner

Meeting Date: June 23, 2025

Subject: Applications for Consent (B7-25) and Zoning By-Law Amendment (Z13-25); John and Bonnie Ross (Applicants); Stewart Findlater (Agent); 22037 Fairview Road

Recommendations:

THAT Application for Consent B7-25 requested by John and Bonnie Ross to dispose of a dwelling surplus to a farming operation as a result of farm consolidation for lands legally described as Part of Lots 17 and 18, Concession 3, (geographic Township of West Nissouri), Municipality of Thames Centre, and known municipally as 22037 Fairview 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 lands to be severed being the remnant farm parcel be transferred to Elliott Grain Ltd. or one of its affiliated farm holdings with Jane Elliott and/or Pat Elliott being the principal, to ensure farm consolidation.
3. That the lot area for the lands to be retained be limited to approximately 0.81 hectares (2 ac) to the satisfaction of the Municipality.
4. That the applicants obtain a rezoning approval to prohibit any new residential use on the lands to be severed being the remnant farm parcel.
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 applicants provide evidence from an Ontario Land Surveyor which confirms that

all structures will be compliant with applicable zoning by-law provisions.

8. 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 retained.
9. That a consent for easement purposes be obtained to establish a right-of-way through the neighbouring lands at 21975 Fairview Road in favour of the remnant farm parcel (severed lands) to ensure legal access to and from the remnant farm parcel.
10. That the applicants obtain a new municipal address for the lands to be severed, 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 Z13-25 requested by John and Bonnie Ross for lands legally described as Part of Lots 17 and 18, Concession 3, (geographic Township of West Nissouri), Municipality of Thames Centre, and known municipally as 22037 Fairview Road 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 53.2 hectare (131.6 ac) farm situated on the west side of Fairview Road, south of Oliver Drive. The lands abut the CN Railway and the Thorndale Settlement Area. The farm contains a single detached dwelling serviced by a private well and septic system, generally located south of the dwelling. The lands also contain several structures/buildings including a workshop (most northerly structure) which is also serviced by a septic system located north of the workshop, a detached garage, a storage building and two smaller sheds/ structures. The lands are primarily used for agricultural purposes in the form of field crop cultivation although the lands also contain natural heritage features in the form of a woodlot which extends from the northeast end of the property to the southwest end of property. According to the Thames Centre Official Plan and Zoning By-law, the subject lands are designated Agricultural, Protection Area and Environmental Area and are zoned Agricultural (A) and Environmental Protection (EP). The lands are also regulated by the Upper Thames River Conservation Authority considering the Wye Creek meanders through the property.

Surrounding land uses are predominantly agricultural in nature. As mentioned, the lands abut the railway which is located along a portion of the easterly lot line. Due to the presence of the railway and the location of the woodlot, most of the farmland is accessed via a driveway on the neighbouring lands at 21975 Fairview Road which contains a private railway crossing. 21975 Fairview Road is also owned by the applicants. A portion of the lands on the north east side of the property has access off Fairview Road.

Staff would like to note, a farmer has entered into an agreement of purchase and sale with the applicant to purchase the lands to be severed being the farm parcel whereas the applicant would retain ownership of the lands to be retained containing the residential use including the existing buildings. The retained lands would have a frontage of approximately 111 metres (364.17 ft) along Fairview Road and an area of approximately 1.3 hectares (3.2 ac).

Containing the cultivated land and the woodlot, the lands to be severed would have a frontage of approximately 244 metres (800.52 ft) along Fairview Road and an area of approximately 51.9 hectares (126 ac).

The applicants are also proposing to rezone the severed lands, being the remanent farmland from the Agricultural (A) Zone to the site-specific Agricultural (A-45) Zone to prohibit any new residential use. The portions of the property zoned Environmental Protection (EP) would remain unchanged.

Policy and Regulation Background:

Provincial Planning Statement 2024

According to Section 3 of the *Planning Act*, as amended, decisions made by planning authorities “shall be consistent with” the Provincial Planning Statement (PPS). The PPS states that lot creation may be permitted for a residence surplus to a farming operation as a result of farm consolidation, provided the new lot is limited to a minimum size needed to accommodate the use and appropriate sewage and water services, and new residential dwellings will be prohibited on the remnant parcel of farmland.

County of Middlesex Official Plan

The subject lands are designated ‘Agricultural Area’ within the County of Middlesex Official Plan. The County of Middlesex Official Plan indicates that consents to sever a residence surplus to a farming operation as a result of farm consolidation may be permitted, provided the residence was built at least 10-years prior, the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services, and provided that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance. The County encourages local municipalities to include policies in their local official plan addressing considerations including minimizing the loss of agricultural land, addressing the retention of outbuildings with the residence surplus to a farming operation including maximum building size and permitted uses, adequacy of services, and Minimum Distance Separation.

Thames Centre Official Plan

The subject lands are designated Agricultural, Protection Area and Environmental Area according to the Thames Centre Official Plan. The Official Plan states consents to sever a dwelling considered surplus to a farm operation as a result of farm consolidation shall be permitted provided the following conditions are or will be satisfied:

- (a) farm consolidation has occurred or will occur through the acquisition of additional farm parcels;
- (b) it is demonstrated that the dwelling is surplus to the needs of the farm operation;
- (c) the dwelling has been inhabited as a residence for at least 10 years and also provided the residence was built prior to the date specified in the County of Middlesex Official Plan;
- (d) the dwelling has been inspected by the Chief Building Official and deemed to be habitable for human occupancy;
- (e) the parcel being created is the minimum size needed to accommodate the use and the required water supply and sanitary waste disposal system. The inclusion of cultivated agricultural land shall be kept to a minimum. Any substandard sanitary waste disposal system shall be brought up to minimum standards to the satisfaction of the Chief Building Official;
- (f) the parcel being created does not result in the creation of a rural residential cluster which would impose a greater Minimum Separation Distance (MDS II)

on the establishment or expansion of a neighbouring livestock operation than would otherwise be the case.

- (g) surplus farm buildings shall not be included with the parcel unless deemed to be structurally sound and in good condition by the Chief Building Official and provided they do not exceed the maximum size or number permitted for accessory buildings or uses on such parcels as prescribed by the Zoning Bylaw. Large livestock buildings shall be decommissioned for the purposes of accommodating livestock or otherwise demolished to the satisfaction of the Chief Building Official;
- (h) a new and independent vehicular entrance to the dwelling shall be established, if necessary, in accordance with the requirements of the authority having jurisdiction;
- (i) a new and independent entrance to the remnant farm parcel shall be established, if necessary, in accordance with the requirements of the authority having jurisdiction;
- (j) if required, a revised assessment schedule under the *Drainage Act* is prepared by a qualified individual at the expense of the applicant;
- (k) all livestock buildings and structures remaining on the remnant farm parcel shall comply with the Minimum Distance Separation Formula One (MDS I) or are decommissioned for the purposes of accommodating livestock or are otherwise demolished to the satisfaction of the Chief Building Official;
- (l) the erection of a dwelling on the remnant farmland shall be prohibited by the necessary amendment to the Zoning By-law;
- (m) there are no negative impacts on any nearby natural heritage features or their ecological functions;
- (n) any natural hazard issues have been addressed to the satisfaction of the conservation authority having jurisdiction;
- (o) the parcel being created is rezoned for residential purposes. The keeping or rising of livestock on the parcel shall be limited in number to that which is not governed by the Nutrient Management Act. The remnant farmland is zoned for agricultural purposes only.

Thames Centre Comprehensive Zoning By-law

The subject lands are zoned Agricultural (A) and Environmental Protection (EP) within the Thames Centre Zoning By-law. The A Zone permits a range of agricultural and related uses. The A Zone requires a minimum lot area of 40 hectares (98 ac) and a minimum lot frontage of 150 metres (492.13 ft). The EP Zone permits a limited number of uses including a conservation use, wildlife preserve and existing agricultural use. The EP Zone does not

have a minimum lot area or minimum lot frontage.

The site specific Agricultural (A-45) Zone limits the permitted uses in the zone and does not allow for residential uses the lands. This site-specific zone states the minimum lot area is the lesser of 40 hectares (98 ac) or as it existed on the day that the residential use ceased. The minimum frontage is the lesser of 150 metres (492.13 ft) or as it existed on the day that the residential use ceased.

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 1968; the purchaser's home farm is located within the Municipality and the purchaser owns and operates a number of farms totaling approximately 285 ha (704.25 ac). Given that the majority of the farm is accessed using a neighbouring driveway at 21975 Fairview Road as described earlier in the report, staff believe it would be appropriate to require the establishment of a right-of-way easement over 21975 Fairview Road in favour of the remnant farm parcel (severed lands) to ensure legal access to the farmland.

While staff is satisfied that most of the criteria has been satisfied or is capable of being addressed through conditions of consent, staff is of the opinion that the requested size of 1.3 hectares (3.2 ac) for the lands to be retained is larger than necessary to accommodate the septic systems and dwelling. Further to this, given the location of the storage building (the most westerly structure), retaining the storage building with the lands to be retained (lot with the residence) would result in a larger and irregular shaped lot. The policy framework states that the proposed lot should be kept to a minimum size to accommodate the dwelling and servicing. Considering this, staff believe retaining the agricultural storage building (the most westerly structure) with the remnant farm parcel and reducing the size of the lands to be retained to be approximately 0.81 hectares/ 2 acres would be appropriate to ensure the retained lands are the minimum size required and keeping with Provincial, County and local policies. This would also maintain the agricultural building with the farmland, where it can be utilized for implement storage or similar.

The lands to be retained being reduced to approximately 0.81 hectares (2 ac) , as shown on **Map 1**, would contain the single detached dwelling, detached garage, workshop and the most southerly shed and 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, apart from the lands zoned Environmental Protection (EP) which

are to remain unchanged. 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.

Should Council wish to approve the subject application as applied for, staff offers the following for consideration:

THAT Application for Consent B7-25 requested by John and Bonnie Ross 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 1.3 hectares (3.2 ac) and a frontage of approximately 111 metres (364.17 ft) for lands legally described as Part of Lots 17 and 18, Concession 3, (geographic Township of West Nissouri), Municipality of Thames Centre, and known municipally as 22037 Fairview 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.
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3. That the applicants obtain a rezoning approval to prohibit any new residential use on the lands to be retained being the remnant farm parcel.
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 retained.
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 retained.
8. That a consent for easement purposes be obtained to establish a right-of-way through the neighbouring lands at 21975 Fairview Road in favour of the remnant farm parcel (severed lands) to ensure legal access to and from the remnant farm parcel.

9. That the applicants obtain a new municipal address for the lands to be severed, being the remnant farm parcel, including providing the applicable fee for a new 911 address sign and post.
10. 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.
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REASONS

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

Circulation Comments:

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

County Engineer:

No comment – not a County road.

Director of Public Works:

PW have no comments/concerns with this application. It should be noted that this severance does increase the difficulty to access to the southern and western portion of the workable land from the northeast Fairview Road frontage.

Drainage Superintendent:

No comment.

Thames Valley District School Board:

TVDSB has no concerns regarding the above-noted applications.

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

Map 1: Staff recommendation for reduced lot size for lands to be retained B7-25

Prepared by: A. Kertesz, Planner

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

Reviewed by: D. Barrick, Chief Administrative Officer