



MUNICIPALITY OF THAMES CENTRE

PLANNING & DEVELOPMENT SERVICES

REPORT NO: PDS-064-23

FILE: B17-23 & Z27-23

TO: Mayor and Members of Council

FROM: Marc Bancroft, Director of Planning and Development Services

MEETING DATE: October 30, 2023

**RE: APPLICATIONS FOR CONSENT AND ZONING BY-LAW
AMENDMENT**

RON & CHARLES PICKEL FARMS (APPLICANT)

SCOTT LOBB & CARRIE MILLS (AGENT)

1. PURPOSE

The purpose of the Consent Application is to convey a parcel of land to facilitate the disposal of a residence surplus to a farming operation as a result of a farm consolidation whereas the purpose of the Zoning By-law Amendment Application is to rezone the balance of the farm to prohibit any new residential use.

2. BACKGROUND (see attached map)

The subject property is a 41.5 hectare (102 ac) farm situated on the east side of Heritage Road, north of Gregory Drive. The farm contains a single detached dwelling, two (2) garden sheds, and a shop. The dwelling is serviced by a private well and private septic system. The farm is bisected by the Louch-Pickel Drain which extends from east to west with a corridor of land on either side regulated by the Conservation Authority. The lands are primarily used for agricultural purposes in the form of field crop cultivation. There is a small woodlot at the back of the farm.

The lands to be severed would have a frontage of approximately 88 metres (289 ft) along Heritage Road and an area of approximately 0.93 hectares (2.3 ac). These lands contain the single detached dwelling, sheds and shop. Used primarily for cultivation of field crops, the lands to be retained would have a frontage of approximately 530 metres (1,739 ft) along Heritage Road and an area of approximately 40.7 hectares (100.5 ac). The applicant is also proposing to rezone the lands to be retained from the Agricultural (A) Zone to the site-specific Agricultural (A-45) Zone to prohibit any new residential use.

According to the Thames Centre Official Plan and Zoning By-law, the subject lands are designated Agricultural and are zoned Agricultural (A) except for the woodlot which is designated Protection Area and zoned Environmental Protection (EP). Surrounding land uses are predominantly agricultural in nature and used for the cultivation of field crops.

3. ANALYSIS

The Provincial Policy Statement (PPS), the County of Middlesex Official Plan and Municipal 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 2005; the applicant's home farm is located at 23464 Cherry Hill Road and the applicant owns and operates 10 farms totaling approximately 405 hectares (1,000 ac). In all, staff is satisfied that the foregoing criteria has been satisfied. Issues related to the location of the septic system and potable well, etc. are capable of being addressed through conditions of consent.

The lands to be severed would comply with the undersized lot provisions of the Agricultural (A) Zone. To prohibit any new residential use on the balance of the farm being the lands to be retained consistent with provincial and local policy, a site-specific Agricultural (A-45) zone is being requested. In all, this rezoning, is appropriate and represents good planning.

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.

3.1 Agency Comments

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

3.1.1 County Engineer: No comment.

3.1.2 Upper Thames River Conservation Authority: No objections.

3.1.3 Hydro One: No comment or concerns.

3.1.4 Enbridge: There are service lines running within the area which may or may not be affected by the proposed severance. Any service relocation required due to this severance would be at the cost of the property owner.

3.1.5 Drainage Superintendent: No comment.

3.1.6 Director of Public Works: No comment or concerns.

3.1.7 Chief Building Official: The applicant shall provide a surveyors real property report (SRPR) which includes the location of the on-site sewage system leaching bed and confirms that the leaching bed is wholly contained on the lands to be severed and meet the setback requirements of the Ontario Building Code.

3.2 Public Comments

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.

4. RECOMMENDATIONS

THAT Application for Consent B17-23 requested by Scott Lobb and Carrie Mills on behalf of Ron and Charles Pickel Farms, to facilitate the disposal of a dwelling surplus to a farming operation as a result of farm consolidation with the lands to be severed having an area of approximately 0.93 hectares, for lands legally described as Part of Lot 33, Concession 5 (geographic Township of West Nissouri), Municipality of Thames Centre and known municipally as 23976 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 for each consent. 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 fee of \$250.
2. That the applicant be required to obtain a rezoning to prohibit any new residential use on the balance of the farm.
3. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
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 provide a Surveyor's Real Property Report for the proposed residential lot which includes the location of buildings and structures, the potable well and the septic system to ensure compliance with setback requirements to the satisfaction of the Chief Building Official.
6. That the necessary deeds, transfers and charges for certificates and /or instruments necessary for registration be submitted electronically prior to certification, all of which are to be fully executed.

7. 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 Policy Statement.
- Conformity with the County Official Plan and Municipal Official Plan would be maintained.
- The requirements of the Zoning By-Law would be met through an approved Zoning By-law Amendment.
- The matters set out in Section 51(24) of the Planning Act would be satisfied.

THAT Application for Zoning By-law Amendment Z27-23 requested by Scott Lobb and Carrie Mills on behalf of Ron and Charles Pickel Farms, for lands legally described as Part of Lot 33, Concession 5 (geographic Township of West Nissouri), Municipality of Thames Centre and known municipally as 23976 Heritage Road, be approved in principle and that the Director of Planning and Development Services be directed to prepare the necessary Zoning By-law Amendment for Council's consideration at the next regular Council meeting.

Prepared by: Marc Bancroft, Director of Planning & Development Services

Reviewed by: David Barrick, Chief Administrative Officer