



## MUNICIPALITY OF THAMES CENTRE

### PLANNING & DEVELOPMENT SERVICES

**REPORT NO:** PDS-03-24

**FILE:** B21-23 & Z36-23

**TO:** Mayor and Members of Council

**FROM:** Marc Bancroft, Director of Planning and Development Services

**MEETING DATE:** *January 29, 2024*

**RE: APPLICATIONS FOR CONSENT AND ZONING BY-LAW AMENDMENT; PATRICIA CORNELIA WOUTERS (APPLICANT); KATHRYN M. RITSMA (AGENT); 4673 DUNDAS STREET**

#### 1. PURPOSE

The purpose 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 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.

#### 2. BACKGROUND (see attached map)

The subject property is a 40.6 hectare (100 ac) farm situated on the south side of Dundas Street (County Road 2) between Shaw Road (County Road 32) and Richmond Street. The farm contains a single detached dwelling serviced privately by a well and septic system. The balance of the land is used for the cultivation of field crops. 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 on the south side of Dundas Street (County Road 2) are predominantly agricultural in nature whereas land uses on the north side of Dundas Street (County Road 2) include highway commercial and agricultural uses.

The lands to be severed would have a frontage of approximately 54 metres (177 ft) along Dundas Street (County Road 2) and an area of approximately 0.59 hectares (1.47 ac) and would contain the single detached dwelling. Used for the cultivation of field crops, the lands to be retained are vacant and would have a broken frontage of approximately 555 metres (1,820 ft) along Dundas Street (County Road 2) and an area of approximately 40 hectares (99 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.

### **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 the early 1900's; the applicant's home farm is located in Perth County and the applicant owns and operates 29 farms totaling over 1350 hectares (3,335 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 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 and 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:**

The owner will be required to dedicate lands across the frontage of the severed and retained parcels to a distance of 18 metres from the centreline of construction of County Road 2 (Dundas Street) to the County of Middlesex for the purposes of road widening if the right of way is not already to that width.

##### **3.1.2 Upper Thames River Conservation Authority: No objections.**

##### **3.1.3 Bell Canada: No concerns.**

##### **3.1.4 Chief Building Official:**

Proponent shall provide a survey which shows the distances between the proposed new property lines and the existing ancillary structures, septic system (tank and leaching bed) to confirm compliance with Ontario Building Code.

requirements.

3.1.5 Drainage Superintendent: Drainage reassessments required.

3.1.6 Director of Public Works: No comments or concerns.

### 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 B21-23 requested by Kathryn M. Ritsma on behalf of Patricia Cornelia Wouters to sever a parcel of land having a frontage of approximately 54 metres along Dundas Street (County Road 2) and an area of approximately 0.59 hectares for lands legally described as Part of Lot 8, Concession 1, NRT (geographic Township of North Dorchester), Municipality of Thames Centre, designated as Parts 1 and 2 on Plan 33R2382 and known municipally as 4673 Dundas Street, 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 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 2 (Dundas Street) 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 applicant provide a Surveyor's Real Property Report for the proposed residential lot which includes the location of any buildings and structures, the potable well and septic system to ensure compliance with setback requirements, all to the satisfaction of the Chief Building Official.
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 Policy 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.
- The matters set out in Section 51(24) of the Planning Act would be satisfied.

THAT Application for Zoning By-law Amendment Z36-23 requested by Kathryn M. Ritsma on behalf of Patricia Cornelia Wouters for lands legally described as Part of Lot 8, Concession 1, NRT (geographic Township of North Dorchester), Municipality of Thames Centre, designated as Parts 1 and 2 on Plan 33R2382 and known municipally as 4673 Dundas Street, be approved in principle and that the staff be directed to prepare the necessary Zoning By-law Amendment for Council's consideration at the next regular meeting.

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

Reviewed by: David Barrick, Chief Administrative Officer