



## MUNICIPALITY OF THAMES CENTRE

### PLANNING & DEVELOPMENT SERVICES

**REPORT NO:** PDS-05-24

**FILE:** B23-23 & Z37-23

**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; STEPHEN AND SHELLY GOSTIS (APPLICANT); PATRICK CRINKLAW (AGENT); 3014 CRAMPTON DRIVE**

#### 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 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.

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

The subject property is a 37 hectare (92 ac) farm situated on the north side of Crampton Drive and east of Lewis Road, and backing onto the CP Railway. The farm contains a single detached dwelling, an above ground pool and a shop. The dwelling is serviced by a private well and private septic system. The farm primarily contains cultivated land with a natural heritage feature in the form of a woodlot located at the back of the farm which is also bisected by a municipal drain (Kowalewski Drain) with the affected lands regulated by the Conservation Authority. According to the Thames Centre Official Plan the lands are designated Agricultural and Protection Area. The lands are also zoned Agricultural (A) and Environmental Protection (EP) according to the Thames Centre Comprehensive Zoning By-law. Surrounding land uses are predominantly agricultural in nature.

The applicant's agent 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.

Containing the cultivated land and the woodlot, the lands to be severed would have a

frontage of approximately 68 metres (223 ft) along Crampton Drive and an area of approximately 36 hectares (90 ac). Containing the residential use including related buildings and structures, the lands to be retained would have a frontage of approximately 74 metres (243 ft) along Crampton Drive and an area of approximately 0.88 hectares (2.18 ac).

The applicant is also proposing to rezone the lands to be severed from the Agricultural (A) Zone to the site-specific Agricultural (A-45) Zone to prohibit any new residential use. The portion of the lands zoned Environmental Protection would remain unchanged.

### **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: 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 2009; the agent's home farm is located at 2703 Bradley Avenue and the agent owns and operates 40 farms totaling approximately 486 hectares (1,200 ac). In all, staff is satisfied that the foregoing criteria has been generally satisfied. Issues related to farm consolidation and the location of the septic system and potable well, etc. are capable of being addressed through conditions of consent.

To prohibit any new residential use on the balance of the farm being the lands to be severed consistent with provincial and local policy, a site-specific Agricultural (A-45) zone is being requested while the lands zoned environmental Protection (EP) zone would remain unchanged. The lot to be retained would comply with the undersized lot provisions of the Agricultural (A) Zone. 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 comments.

3.1.2 Upper Thames River Conservation Authority: No objections.

3.1.3 Bell Canada: No concerns.

3.1.4 Hydro One: No concerns.

3.1.5 Director of Public Works: No comments or concerns.

3.1.6 Drainage Superintendent: Municipal Drain reassessments required.

3.1.7 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.

### 3.2 Public Comments

In the circulation of the notice of meeting to surrounding property owners, no concerns have been received from the public as of the date of this report.

## 4. RECOMMENDATION

**THAT** Application for Consent B23-23 requested by Patrick Crinklaw on behalf of Stephen and Shelly Gostis to sever a parcel of land having a frontage of approximately 68 metres along Crampton Drive and an area of approximately 36 hectares for lands legally described as Part of Lots 9 and 10, Concession 3, SRT (geographic Township of North Dorchester) and designated as Part 2 on Plan 33R12606, Municipality of Thames Centre and known municipally as 3014 Crampton Drive, 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 be transferred to Crinklaw Farms Inc., or one of its affiliated farm holdings with Patrick Crinklaw being the principal, to ensure farm consolidation.
3. That the applicant obtain a rezoning approval to prohibit any new residential use on 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, 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 Z37-23 requested by Patrick Crinklaw on behalf of Stephen and Shelly Gostis for lands legally described as Part of Lots 9 and 10, Concession 3, SRT (geographic Township of North Dorchester) and designated as Part 2 on Plan 33R12606, Municipality of Thames Centre and known municipally as 3014 Crampton Drive, be approved in principle and that staff 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