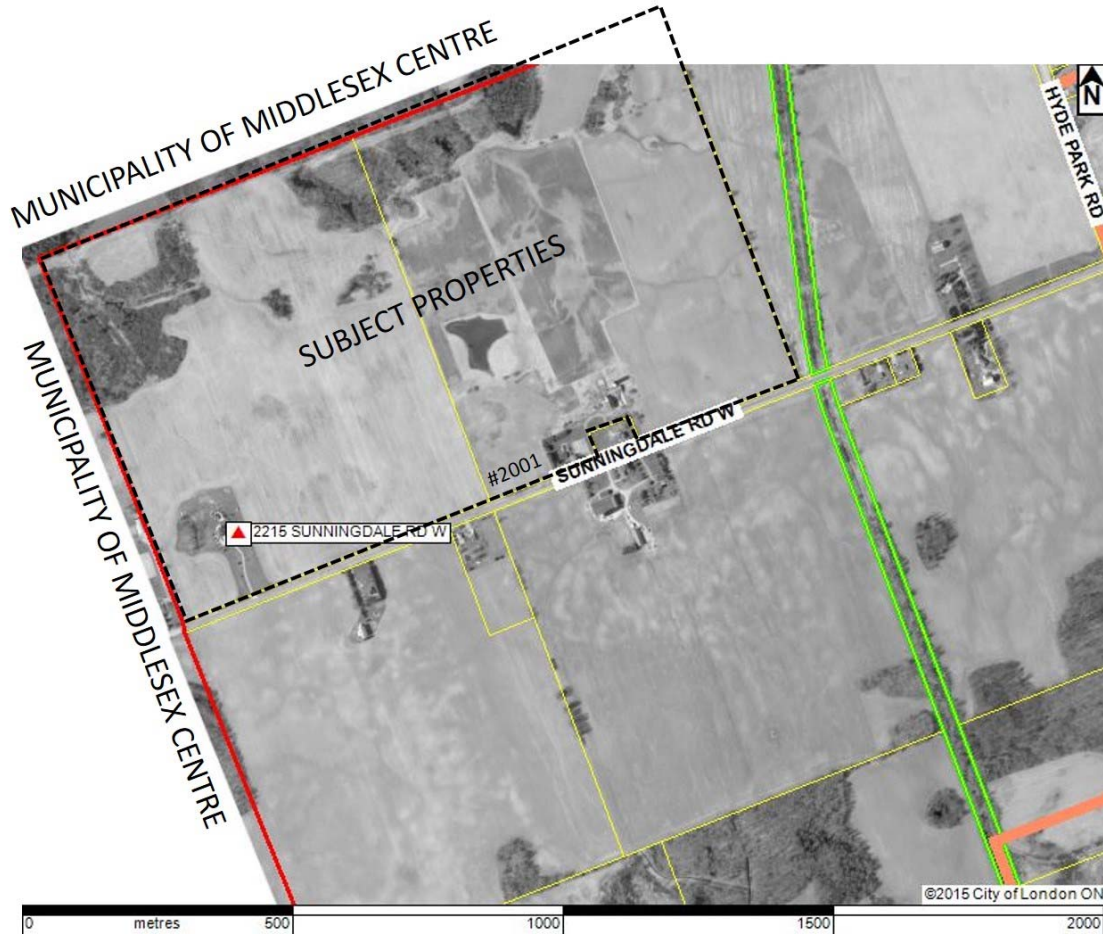


# PLANNING JUSTIFICATION REPORT

for a proposed surplus farm dwelling severance  
& zoning by-law amendment by Nelson Morphy

80 k at 2001 & 2215 Sunningdale Rd W



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## **APPENDIX**

- Severance Sketch
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## 1.0 Introduction

The following document is a land use planning justification report in support of a proposal for a surplus farm dwelling land severance at 2215 Sunningdale Road West which is approximately 43.8ha (108.3ac). 2215 Sunningdale Road West is owned by Nelson Morphy, and contains a single detached dwelling where Nelson's daughter Lianne with her husband and children currently and would continue to reside. Nelson also owns the adjacent agricultural parcel of land to the east at 2001 Sunningdale Road West which is approximately 44.2ha (109.3ac). Nelson and his wife reside in the existing dwelling at 2001 Sunningdale Road West. Both parcels are designated "Agricultural" under the City of London Official Plan, and are both zoned Agricultural (AG2). The total area of both parcels is 88.0ha (217.6ac), and both are presently used for cash crop production. It is important to note that a number of wetland and woodlot features have been preserved and protected on these lands. It is the intent of Nelson Morphy to merge both agricultural parcels together. The consolidated farm parcel would be under his continued ownership. Consequently, the 2215 Sunningdale Road West dwelling, where Lianne's family would remain, would be surplus to the needs of the farm and would therefore be severed. 3.2ha (7.9ac) are planned to be severed for the surplus farm dwelling lot, and the remaining consolidated farm parcel would be 84.9ha (209.7ac).

No new physical development would result from the proposed land severance. The proposal is fundamentally the reconfiguration of existing lands to best serve farming needs while protecting natural heritage features – 2 parcels presently exist, and 2 parcels would remain after the reconfiguration. As the new 2215 Sunningdale Road West residential lot would be under the minimum 40.0 ha (98.8ac) for the AG2 Zone, these lands would be rezoned to the Agricultural AG4 Zone to recognize the specific residential use and the new lot size. The AG4 Zone variation recognizes existing single detached dwellings in the rural area which may or may not have agricultural uses associated with them.

As mentioned earlier, the proposed residential lot size would be 3.2ha (7.9ac). This area would encompass the existing dwelling on site as well as the existing front, rear, and side yards of the residential lands used by the Ruby family . The well is located in the easterly interior side yard, and the septic system is located in the rear yard. There is also a pool in the rear yard of the property. While the amenity of the existing residential area is considered, Glenn and Lianne have agreed to reduce the existing rear yard used by the family to allow more lands that are suitable for farming to be integrated into the consolidated farm parcel. There is an existing woodlot on the proposed severed property to the west of the existing residence. Given the topography of the lands, this portion of the proposed severed parcel is subject to regular flooding and is not favorable for farming. Further, this woodlot has become home to various types of wildlife. Recognizing the ecological function and significance of this area, and the functional relationship of this area to the larger woodlots to the north, it is the intent of the proponent to plant additional trees in this area (SEE ATTACHED ARBORIST LETTER) to improve the ecological function of the wooded area, add habitat for wildlife, and create a natural corridor for various wildlife species to travel. This woodlot would also serve as a natural windbreak for the farmlands to the east, which help preserve soil and reduce surface erosion.

Consequently, the lands comprising the surplus farm dwelling severance would have an approximate frontage and depth of 175.3 (575.0ft) and 182.9m (600.0ft) respectively. These dimensions are based on the above mentioned parameters as well as keeping the surplus farm dwelling lot a rectangular shaped parcel. Additional tree plantings along the west property line to the southerly limit of the parcel are also being considered in the future. In keeping with City of London Official Plan agricultural policies, the remaining farm parcel would also be rezoned to a site specific AG2-# Zone to prevent the establishment of a new dwelling. As will be demonstrated through the land use planning analysis contained in this report, the proposal is consistent with the Provincial Policy Statement (2014), is in conformity with the City of London Official Plan, and

respects the general intent of the City of London Zoning By-law. The proposal will not have any significant negative effect on the agricultural lands and contribute to their long-term use and productivity.

## 2.0 Subject Site and Surrounding Land Uses

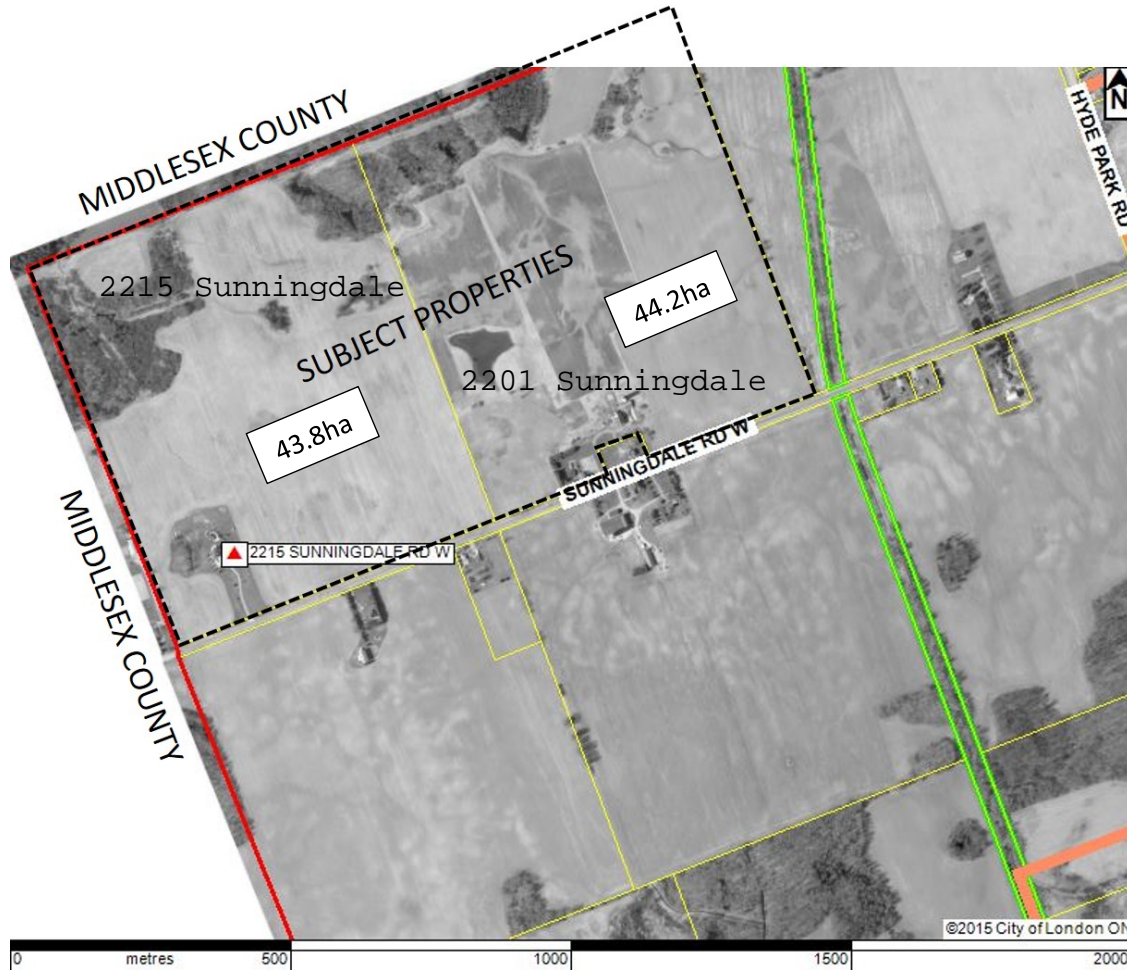


Figure 1: Location Map of Subject Morphy Lands - 2201 and 2215 Sunningdale Rod W. (City of London,2015)

Both 2001 and 2215 Sunningdale Road West are on the north side of Sunningdale Road West in the northwest corner of the City of London. Both properties are serviced by individual private water and sanitary services. As mentioned above, both properties are agricultural parcels used for cash crop production. That said, Nelson Morphy has been and remains a good steward of these lands, and has helped preserve and restore wooded and wetland areas on the subject

properties wherever feasible. The subject lands are surrounded by agricultural lands to the immediate north, south, east and west. It is worth noting that given the location of the subject lands, the lands north and west of the subject properties are part of Middlesex County, and more specifically the Municipality of Middlesex Centre.



Figure 2: 2215 Sunningdale Rd. W. – Surplus Farm Ruby Dwelling to be Severed (Source:KCI, 2015)





Figure 3: Map Showing Woodlot Adjacent to Ruby Surplus Dwelling (Source: City of London, 2015)

### 3.0 Planning Framework and Analysis

The proposal is subject to the City of London Official Plan and Zoning By-law, as well as the Provincial Policy Statement (PPS) 2014 which provides direction for land use planning in Ontario. Relevant policies and provisions from the aforementioned documents that create the planning policy and implementation framework for the proposed development are provided below.

#### 3.1 Provincial Policy Statement

Section 2.3.4.1 of the PPS states:

“Lot creation in prime agricultural areas is discouraged and may only be permitted for:

- a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
- c) **a residence surplus to a farming operation as a result of farm consolidation, provided that:**
  - the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
  - the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective.

With respect to surplus farm dwelling size it is recognized that the proposed residential lot is larger than what is required to accommodate its sanitary and water services. However, the expanded lot area is required to support and enhance the ecological function of the existing wooded area on the subject lands, which is prone to flooding, that is west of the existing dwelling. In this context, such a lot area can be considered reasonable given the wooded area that is prone to flooding would not be foreseeably be converted to agricultural cash crop production, and because such an expanded wooded area would be in keeping with PPS policies related to rural areas in municipalities and the protection and enhancement of natural heritage features.



Section 1.1.4.1 of the PPS states that healthy, integrated and viable rural areas should be supported by conserving biodiversity and considering the ecological benefits provided by nature. Likewise, and pertaining to natural heritage, Section 2.1.2 of the PPS states:

***The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features***

Additionally, it should be noted that the private individual services which are in place and would continue to be utilized by 2001 and 2215 Sunningdale Road West are in keeping with the Sections 1.6.6 and 1.6.6.4 of the PPS which pertain to planning for sewage and water services. As the proposal creates a new residential lot on the basis of a residence being surplus to a farming operation as a result of farm consolidation, and can fulfill the associated above mentioned conditions while protecting and enhancing natural heritage features for the long-term, **the proposal is consistent with the PPS.**

### **3.2 City of London Official Plan**

The subject lands are designated "Agriculture" in the City of London Official Plan (OP), as are all of the lands in the immediate area. The analysis below is focused on applicable planning requirements for surplus farm dwelling severances taken from Sections 9.2.14.1 (general agriculturally land consent policies), 9.2.14.6 (surplus farm dwellings), and 19.7.1 (applications for consent). Section 9.2.14.1 of the OP sets out the General Consent Policies and states that within the Agriculture designation, a consent to sever shall only be granted if the use of the land is in conformity with all applicable policies of the Plan, and with the provisions of the Zoning By-law; and it is clear that a plan of subdivision is not required for the orderly development of the lands.

However, where a consent contravenes the Zoning By-law, the granting of a consent would be conditional upon the Zoning By-law having been amended and approved by the authority having

jurisdiction. Applications for consent will be reviewed for conformity to the following general criteria:

- i. *An uneconomic extension of any major municipal service will not be required;*

No extension of any major municipal services is required to facilitate the proposal.

- ii. *That ribbon development of any type along highways or major roads will be discouraged;*

Ribbon development is not being promoted as no new non-farm development is contemplated. The existing residence on the subject lands would continue to be used as is.

- iii. *As a condition of a consent being granted, proof must be provided that adequate potable water is available on the site or can be made available;*

The private well which provides potable water to the existing dwelling would be encompassed within the new residential lot.

- iv. *As a condition of a consent being granted, soils shall be suitable or made suitable to support an individual on-site wastewater treatment system subject to the approval of the authority having jurisdiction;*

The existing on-site wastewater treatment system which currently serves the dwelling would be encompassed within the new residential lot.

- v. *All parcels must have access to a public highway;*

All parcels of land related to the proposal would have access to Sunningdale Road West.

- vi. *The Minimum Distance Separation (MDS) requirements referred to in policy 9.2.10. are complied with;*

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) states that where a new lot is proposed with an existing dwelling, and that dwelling is already located on a lot separate from a neighbouring livestock facility, MDS 1 is not applied as the potential odour conflict is already present between the neighbouring livestock facility and the existing dwelling.

- vii. *Both the severed and retained parcels created by the consent would conform to the provisions of the Zoning By-law and are appropriate for the use proposed;*

Through the requested Zoning By-law Amendment which would recognize the size of the resultant agricultural parcel and residential lot, and prevent future non-farm development, the proposal would comply with the provisions of the Zoning By-law. Both resultant properties would be appropriate for their proposed uses which are continued cash crop production on the agricultural parcel and continued residential use on the residential lot.

- viii. *The proposed consent will not detract from or result in the loss of area of any wetland, woodlot or other environmental feature shown on Schedule "B"; and*

There will no reductions or loss of woodlots, wetlands or other environmental features as a result of the proposed consent.

- ix. *Both the severed and retained parcels would conform to the criteria set out in policy 19.7.1 of this Plan, where applicable;*

The criteria for reviewing consents as per Section 19.7.1 of the Official Plan are outlined

below and addressed as follows:

- a) *that any lot(s) to be created would conform to the provisions of the Official Plan, Zoning By-law, and any applicable area study or guideline document;*

The proposal is in keeping with the City of London Official Plan, and Zoning Bylaw. Long-term land use compatibility is maintained by the proposal, and the preservation and long-term productivity of agricultural land is supported.

- b) *that the matters which, according to the Planning Act, are to be regarded in the review of a draft plan of subdivision have been taken into account;*

Standard matters related to the appropriate development of land, servicing, and compatibility with neighbouring land uses have been reviewed and no significant issues have been identified. The proposal is suitable for the subject lands, maintains the existing residential and agricultural land uses which have been established, and encourages the wise use of land and resources, as well as protection of natural heritage features.

- c) *that the size and shape of any lot(s) to be created would be appropriate for the intended use, and would generally conform to adjacent development and to any development agreements registered against the title of the subject land;*

The size and nature of the residential and agricultural lots that would be created are such that neither the existing residential amenity nor agricultural productivity of the subject lands are diminished in any significant way. The proposal seeks to maximize the long-term residential and agricultural uses which have been established.

- d) *that the creation of any lot(s) would have the effect of infilling an existing developed*

*area where the pattern of land use has been established, and would not have the effect of extending a developed area;*

The proposal would not result in any new physical development. The proposal maintains what presently exists.

- e) *that the proposed lot(s) would front on, or have access to, an existing public road and would not involve the opening or extension of a public road;*

All lots created by the proposal would have frontage on Sunningdale Road West.

- f) *that the proposed lot(s) would not unduly reduce the accessibility of abutting lands suitable for development;*

No abutting lands would have reduced accessibility to Sunningdale Road West as a result of the proposal. As was mentioned earlier, no new development is proposed.

- g) *that access to the proposed lot(s) would not create traffic problems or hazards and that Official Plan policies regarding road access would be complied with;*

Existing access for both lots would be maintained from Sunningdale Road West as is.

No traffic problems or hazards would be created.

- h) *that adequate municipal services and utilities would be available;*

No municipal servicing infrastructure presently exists in this area, however the extension of such services are not required. The existing dwelling would continue to use its private services.

- i) *for a consent application pertaining to lands within the Agriculture or Urban Reserve designations, that the lot to be created would conform to policy 9.2.14;*

As is shown above, the proposal is able to satisfy all general criteria outlined in Section 9.2.14

- j) *for a consent application pertaining to natural features designated as "Open Space" or "Environmental Review" the potential impacts resulting from fragmentation of natural features corridors and linkages will be taken into consideration; and*

The proposal takes into account the existing natural features which are on the subject lands, and seeks to protect and enhance them.

- k) *that potential impacts on components of the Natural Heritage System will be addressed in accordance with the provisions of Section 15.5;*

There would be no negative impacts on such components as a result of the proposal. Rather the proposal helps contribute to the well-being of local flora and fauna. The woodlot to the north of the proposed surplus farm dwelling lot which would be enhanced by the planned tree plantings has been identified as a significant woodlot (Patch #15005) by the recent City Environmental Review Land Study. A summary of the assessment of this woodlot is provided in the appendix of this report.

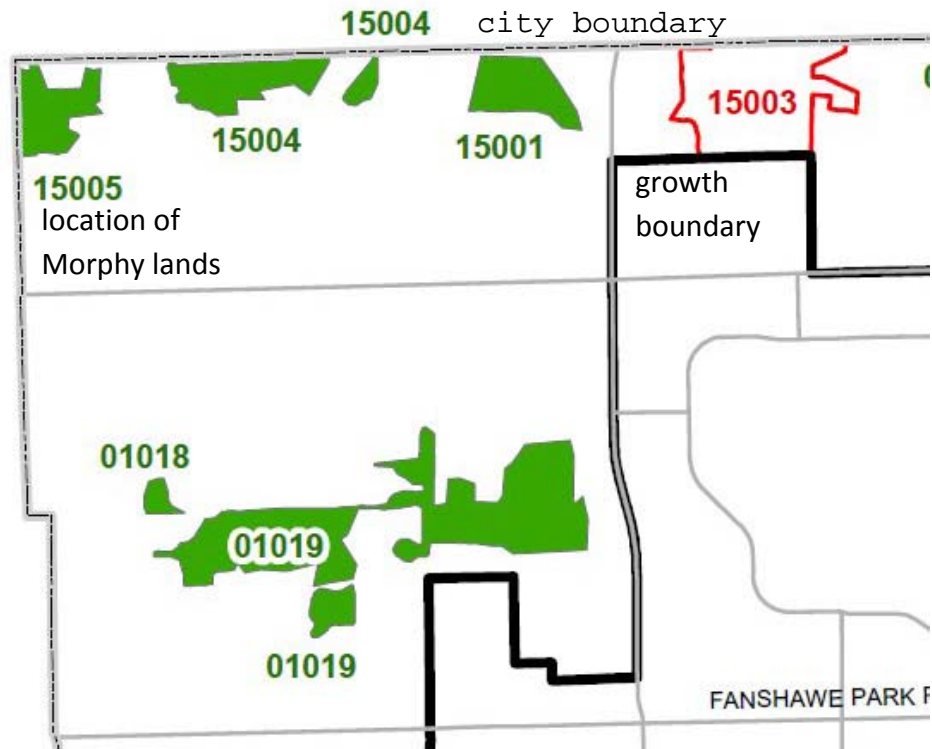


Figure 4: Excerpt from City Environmental Review Lands Study Showing Subject Area (Source: City of London, 2015)

Further, where individual on-site wastewater treatment systems are proposed, as per Section 19.7.1 the Consent Authority shall also consider the following criteria –

- i. *the proposed development is consistent with the surrounding area in terms of pattern and size;*

The dwelling lot is being kept to the minimum size possible to support the residential needs of the proponent, maintain existing servicing, and support the preservation and enhancement of the natural heritage features related to the existing woodlot west of the dwelling on the subject lands. The proposed lot to be severed is also being kept rectangular in shape.



- ii. *the proposed development does not represent an extension to an area for existing development on individual services; and*

The proposal maintains what already exists and does not represent an extension to an area for existing development on individual services.

- iii. *the proposed development would not create a precedent for future similar applications on adjacent or nearby lots.*

The proposal would not create a precedent. The subject lands are geographically the last two lots in the northwest corner of the City.

In addition, with respect to surplus farm dwelling severances, the proposal is able to satisfy all conditions outlined in Section 9.2.14.6 of the OP which are as follows –

- i. *The land being severed from the dwelling lot parcel must be registered in the same style and manner as the adjoining parcel and shall be deemed from that date to be one parcel;*

The proponent would ensure that this condition is fulfilled as part of the land severance.

- ii. *The dwelling lot will be kept to a minimum size necessary to comply with the Zoning By-law and to accommodate individual on-site waste water treatment and water supply; and*

Notwithstanding the above mentioned preservation and enhancement of natural features, the subject lands are being kept to minimum size possible to ensure continued individual private sanitary and water services, as well as to keep the surplus farm dwelling lot regularly shaped.

- iii. *The dwelling lot cannot be severed if it is part of the farm cluster.*

The dwelling lot is not part of a farm cluster.

As can be seen from the above planning analysis, the proposal would not adversely impact the subject agricultural lands, and supports their long-term production. Further, the proposal respects all applicable Official Plan provisions and is in keeping with the Agriculture designation. **Hence the proposal conforms to the City of London Official Plan.**

### 3.3 City of London Zoning By-law

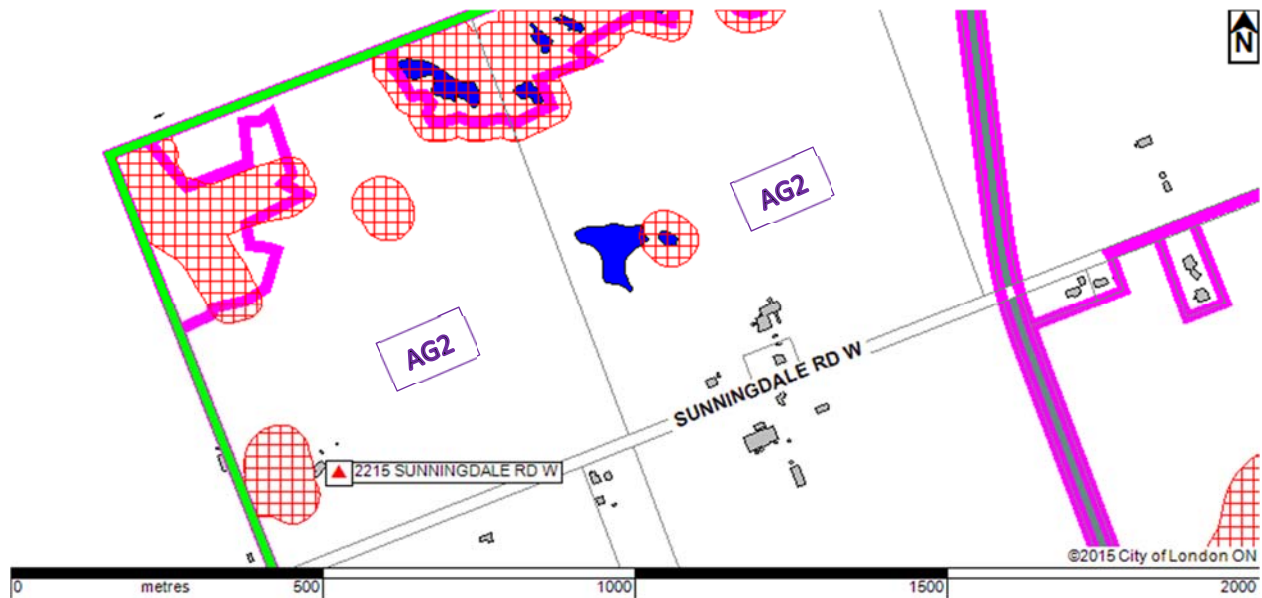


Figure 5: Zoning Map of Subject Lands Showing Present Zoning (Source: City of London, 2015)

The subject lands to be severed are presently zoned AG2. As mentioned earlier, these lands will be rezoned AG4 to recognize the sole residential use of these lands in the future. Outside of certain woodlot and wetland areas, which are all zoned Environmental Review (ER), the consolidated farm parcel would retain its AG2 zoning but have it modified to be site specific to prevent the future establishment of new dwellings on the property.

Permitted uses of the AG2 Zone are as follows:

- a) Any use permitted in the AG1 Zone variation;
- b) Livestock facilities;
- c) deleted, Z.-1-081772
- d) Commercial greenhouse;
- e) Compost facility;
- f) Aquaculture;
- g) Agricultural research station; and
- h) Manure storage facility

Permitted uses of the AG4 Zone are as follows:

- a) Existing single detached dwellings

Although Zoning By-law Amendments would be required, the said amendments respect the intent of the Zoning By-law. No land use conflicts or compatibility issues would result from the proposal. The consolidation of the 2 agricultural land holdings results in a larger agricultural parcel of 84.9ha (209.7ac) and the residential lot of 3.2ha (7.9ac) is only as large as needed to support the existing private water and sanitary services, include the existing dwelling, and preserve and enhance the existing wooded area west of the existing dwelling. The special provisions for both proposed lots are as follows:

- 1) Retained consolidated farm parcel (AG2#):
  - All permitted uses of the AG2 Zone excluding farm dwellings
  - Front yard setback – 23.0m (this is the existing setback but 30.0m is the normal standard)
- 2) Severed surplus farm dwelling lot (AG4):
  - none – zoning standards are as existing on the date of the passing of the by-law

Please refer to the attached SEVERANCE SKETCH for illustrations of the proposed severed lot and

retained lot.

#### **4.0 Conclusion**

Based on the aforementioned planning analysis, the proposal has been demonstrated:

- 1) to be a logical for the long-term agricultural and residential use of the subject lands;
- 2) to be consistent with the PPS;
- 3) to be in conformity with the City of London Official Plan;
- 4) to be in general compliance with the City of London Zoning By-law, and appropriate for the respective AG2 and AG4 Zones;
- 5) to help preserve and enhance existing woodlots on the subject lands; and
- 6) to be in keeping with the range and scale of surrounding land uses and to be suitable for the subject lands and associated natural features, and compatible with surrounding land uses.

It is therefore requested that City Planning Staff and Council support the applications for consent for land severance and amendment to the Zoning By-law related to the proposed farm consolidation and surplus farm dwelling severance for 2215 and 2001 Sunningdale Road West.

## **APPENDIX**

A. Severance Sketch

B. Arborist Letter




C. City Environmental Review Lands Study (2015) Excerpt

D. Record of Pre-Consultation

**NOTE:**

Severance Sketch for illustration purposes. Measurements and entities shown based on Ontario Base Mapping (2011) for the City of London.

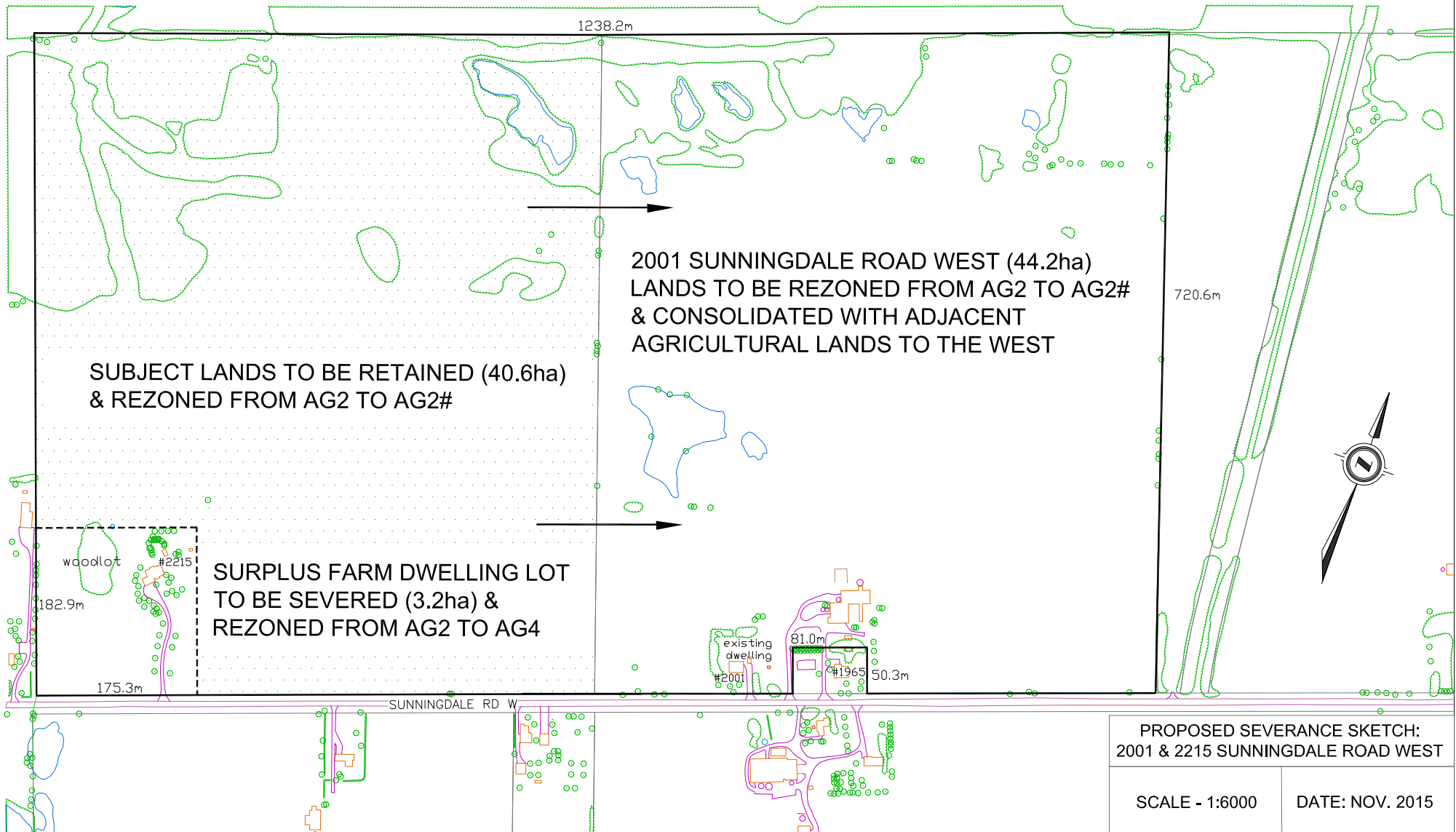
**LEGEND:**

-  Subject Lands to be Consolidated
-  Lands Proposed to be Severed
-  Lands Proposed to be Retained

**KEY MAP**



**MIDDLESEX COUNTY**



**PROPOSED SEVERANCE SKETCH:  
2001 & 2215 SUNNINGDALE ROAD WEST**

**SCALE - 1:6000**

**DATE: NOV. 2015**

September 28, 2015

Glen and Lianne Ruby  
2215 Sunningdale Road  
London ON  
N6H 5J8

**Re: Woodlot enhancement project and consent for severance land proposal at  
2001 and 2215 Sunningdale Road, City of London**

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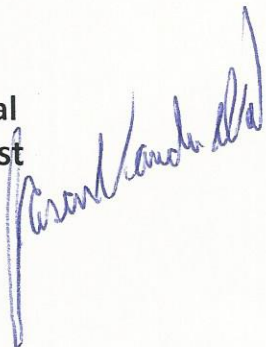
**Dear Glen and Lianne Ruby:**

This is to certify that I have visited your lands and examined the attached woodlot enhancement plan that you provided, upon which you propose to enlarge and enhance the existing woodlot to the west of your existing residence.

The reforestation program would involve planting a mix of deciduous and coniferous native species within the existing woodlot and then expanded to the west boundary, and then proceed northerly to the existing woodland – wetland complex at the rear of the farm. The connection along the west side of the farm should be about 10 metres in width minimum. I would recommend the planting of native large tree species such as black walnut, hard maple, white pine, white spruce, poplar, cherry, beech, basswood and burr oak. A combination of these species would create a sustainable diversity of trees species for the woodlot that in turn would improve the biological function. I agree with your thinking that the enhanced woodlot feature itself will add aesthetic value to the rural residential property and provide natural windbreak from the northwesterly prevailing winds.

Sincerely,

Jason Vanderwal  
Certified Arborist








**NOTE:**

Severance Sketch for illustration purposes. Measurements and entities shown based on Ontario Base Mapping (2011) for the City of London.

**LEGEND:**

-  Subject Lands to be Consolidated
-  Lands Proposed to be Severed
-  Lands Proposed to be Retained

**KEY MAP**



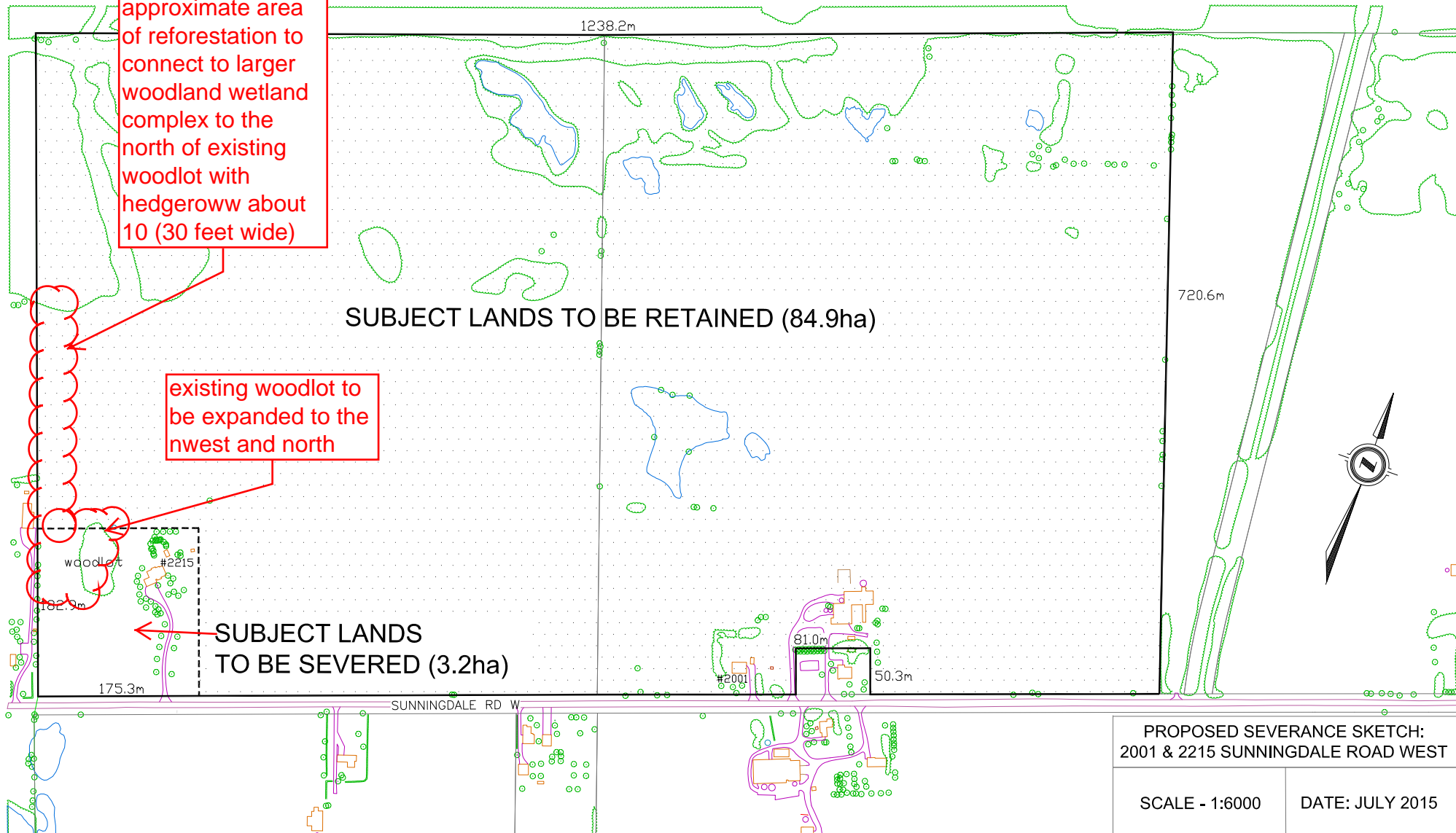
**MIDDLESEX COUNTY**

red line shows approximate area of reforestation to connect to larger woodland wetland complex to the north of existing woodlot with hedgerow about 10 (30 feet wide)

existing woodlot to be expanded to the nwest and north

**SUBJECT LANDS TO BE RETAINED (84.9ha)**

**SUBJECT LANDS TO BE SEVERED (3.2ha)**



**PROPOSED SEVERANCE SKETCH:  
2001 & 2215 SUNNINGDALE ROAD WEST**

SCALE - 1:6000

DATE: JULY 2015

**CITY OF LONDON**  
**ENVIRONMENTAL REVIEW LANDS STUDY**

**PATCH 15005**

**Assessment for Woodland Significance (OPA403) O.P. Policy 15.4.5.1**

CRITERIA	EVALUATION FACTORS	HIGH CRITERIA SCORE
CRITERION 15.4.5 i) Functions that Support Environmental Quality and Integrity	<b>1.1 Site Protection – hydrology and erosion/slope</b>	1.1a) High – contains a watercourse and wetland <2 ha 1.1b) Low – slope < 10%
	<b>1.2 Landscape Integrity - richness, connectivity, distribution</b>	1.2a) Medium – contributes 7-10% local woodland cover (10.4%) 1.2b) Medium – connected to other patches by active agricultural land 1.2c) Low – isolated patch < 10 ha (5.1 ha)
CRITERION 15.4.5 ii) Age, Size, Site Quality and Diversity of Natural Communities and Associated Species	<b>2.1 Age and Site Quality</b>	n/a
	<b>2.2 Size and Shape</b>	2.2a) Medium – contains 2-4 ha woodland
	<b>2.3 Diversity of Natural Communities and Associated Species</b>	2.3a) Medium – contains three community series (CUW, CUM, MAM)
CRITERION 15.4.5 iv) Species-at-Risk Habitat	<b>3. 0 Species at Risk</b>	n/a
CRITERION 15.4.5 v) Distinctive, Unusual, or High Quality Natural Communities or Landforms	<b>4.1 Distinctive, unusual or high quality communities</b>	n/a
	<b>4.2 Distinctive, unusual or high quality landforms</b>	4.2a) Medium – located on Till Moraine

**SUMMARY OF CRITERIA SCORES FOR EIGHT ECOLOGICAL FACTORS**

<b>Number of High</b>	1
<b>Number of Medium</b>	5
<b>Number of Low</b>	n/a

**Patch Number: 15005**

**Subwatershed: Oxbow Creek**

**Patch is a Significant Woodland:  YES  NO**

**O.P. Criteria met: 15.4.5.i)**

**Prepared by: Linda McDougall**

**Date: May 16, 2015**