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**Z-8558
B. Turcotte**

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: LIANNE AND GLEN RUBY 2001 AND 2215 SUNNINGDALE ROAD WEST PUBLIC PARTICIPATION MEETING ON MARCH 29, 2016

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Lianne and Glen Ruby relating to properties located at 2001 and 2215 Sunningdale Road West, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on April 5, 2016 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject properties **FROM** an Agricultural (AG2) Zone and an Environmental Review (ER) Zone **TO** a Holding Agricultural Special Provision (h-18•AG2(*)) Zone, a Holding Agricultural Special Provision (h-18•AG2(**)) Zone, an Agricultural Special Provision (AG2(***)) Zone and a Holding Environmental Review (h-18•ER) Zone.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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None

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the recommended action, as it pertains to lands known municipally as 2001 Sunningdale Road West, is to:

- consolidate farm parcels and permit the severance of a surplus farm dwelling;
- recognize an existing front yard setback of 23 metres for the existing farm dwelling;
- restrict the development of new farm dwellings on the conveyed farm parcel to be consolidated with 2001 Sunningdale Road West; and,
- require the preparation of an archaeological assessment prior to any development on the consolidated farm parcel.

The purpose and effect of the recommended action, as it pertains to lands known municipally as 2215 Sunningdale Road West, is to establish zoning regulations to facilitate the severance of a surplus farm lot.

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RATIONALE

1. The recommended action is consistent with, and will serve to implement, the: Agricultural; Cultural Heritage and Archaeology; and Energy Conservation, Air Quality and Climate Change policies of the *Provincial Policy Statement, 2014*;
2. The recommended action is consistent with, and will serve to implement, the agricultural and archaeological resource policies of the City of London Official Plan;
3. The recommended action supports the orderly consolidation of farm parcels while restricting future residential growth on prime agricultural lands;
4. The recommended action will fulfill a condition of consent to enable the severance of a surplus farm dwelling that is no longer required as part of a larger farming operation; and,
5. The recommended action requires that an archaeological assessment be undertaken prior to any development on lands that have been identified in the City of London Archaeological Master Plan as having archaeological potential.

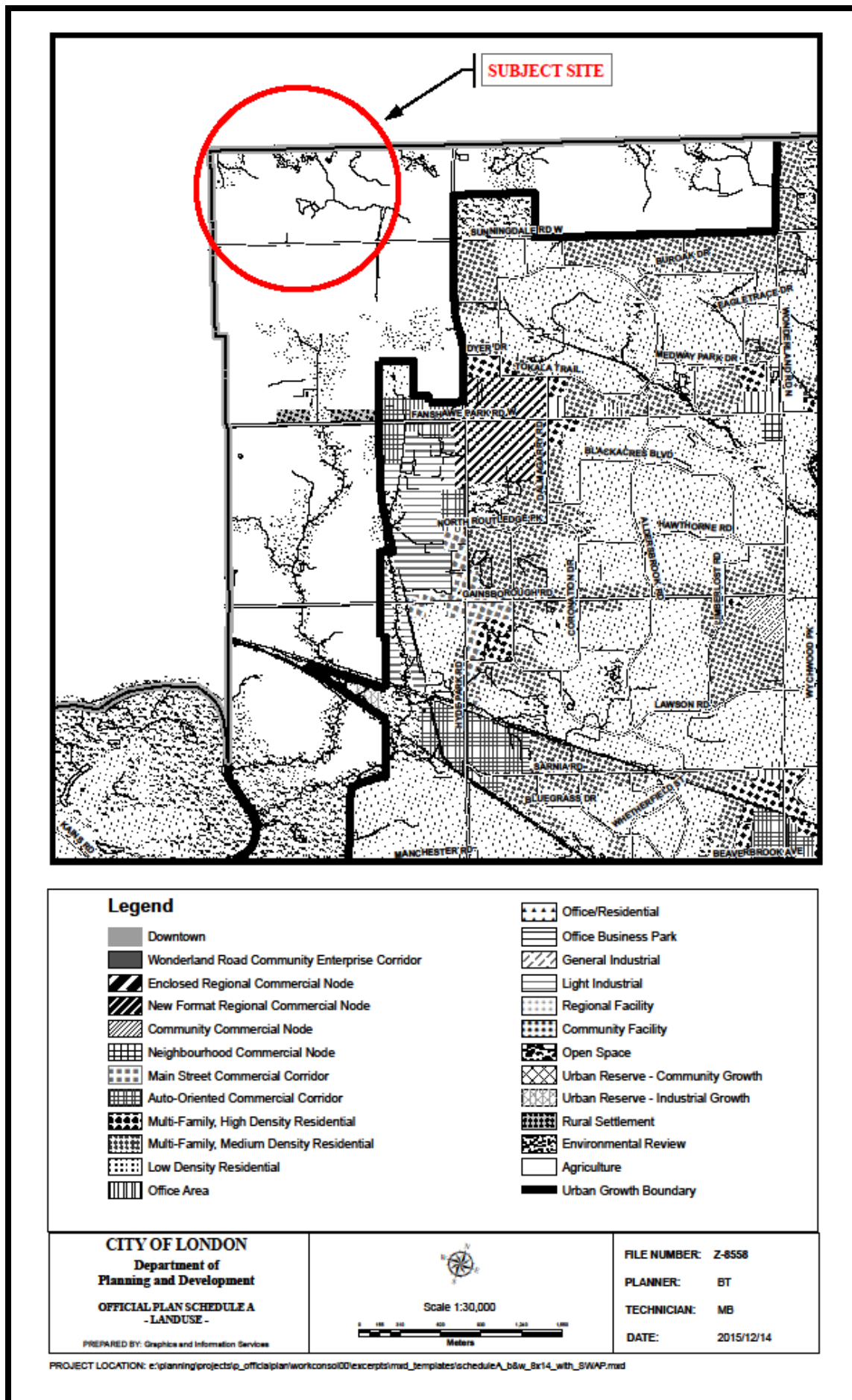
BACKGROUND

Date Application Accepted: December 14, 2016	Agent: Laverne Kirkness
<p>REQUESTED ACTION: Change Zoning By-law Z.-1 FROM an Agricultural (AG2) Zone which permits intensive and non-intensive agricultural uses and an Environmental Review (ER) Zone which permits such uses as conservation lands, agricultural uses and managed woodlots TO an Agricultural Special Provision (AG2(_)) Zone to permit a front yard setback from the existing farm dwelling of 23 metres and an Environmental Review (ER) Zone for the lands at 2001 Sunningdale Road West AND an Agricultural Special Provision (AG2(_)) Zone which permits existing single detached dwellings with special provisions to provide for a maximum lot area of 3.2 hectares, and a minimum lot frontage of 175 metres to reflect the location of the existing single detached dwelling relative to the proposed new lot lines, an Environmental Review (ER) Zone and an additional Agricultural Special Provision (AG2(_)) Zone to permit all uses in the Agricultural (AG2) Zone excluding farm dwellings for the lands at 2215 Sunningdale Road West. <i>The requested action was subsequently amended by the applicant to address concerns raised by City staff regarding the size of the surplus farm lot.</i></p>	

<p>SITE CHARACTERISTICS:</p> <p><u>2001 Sunningdale Road West:</u></p> <ul style="list-style-type: none"> • Current Land Use – Agricultural, farm dwelling, associated farm structures, vegetative patches and a wetland. The subject lands: are irregular in shape; have a frontage of 526 metres (1,725 feet); a depth of 720 metres (2,362 feet); and a lot area of 40 hectares (99 acres). <p><u>2025 Sunningdale Road West:</u></p> <ul style="list-style-type: none"> • Current Land Use – Agriculture, farm dwelling; vegetative patches and a wetland. The subject lands: are regular in shape; have a frontage of 600 metres (1,968 feet); a depth of 720 metres (2,363 feet) and, a lot area of 41 hectares (100 acres).

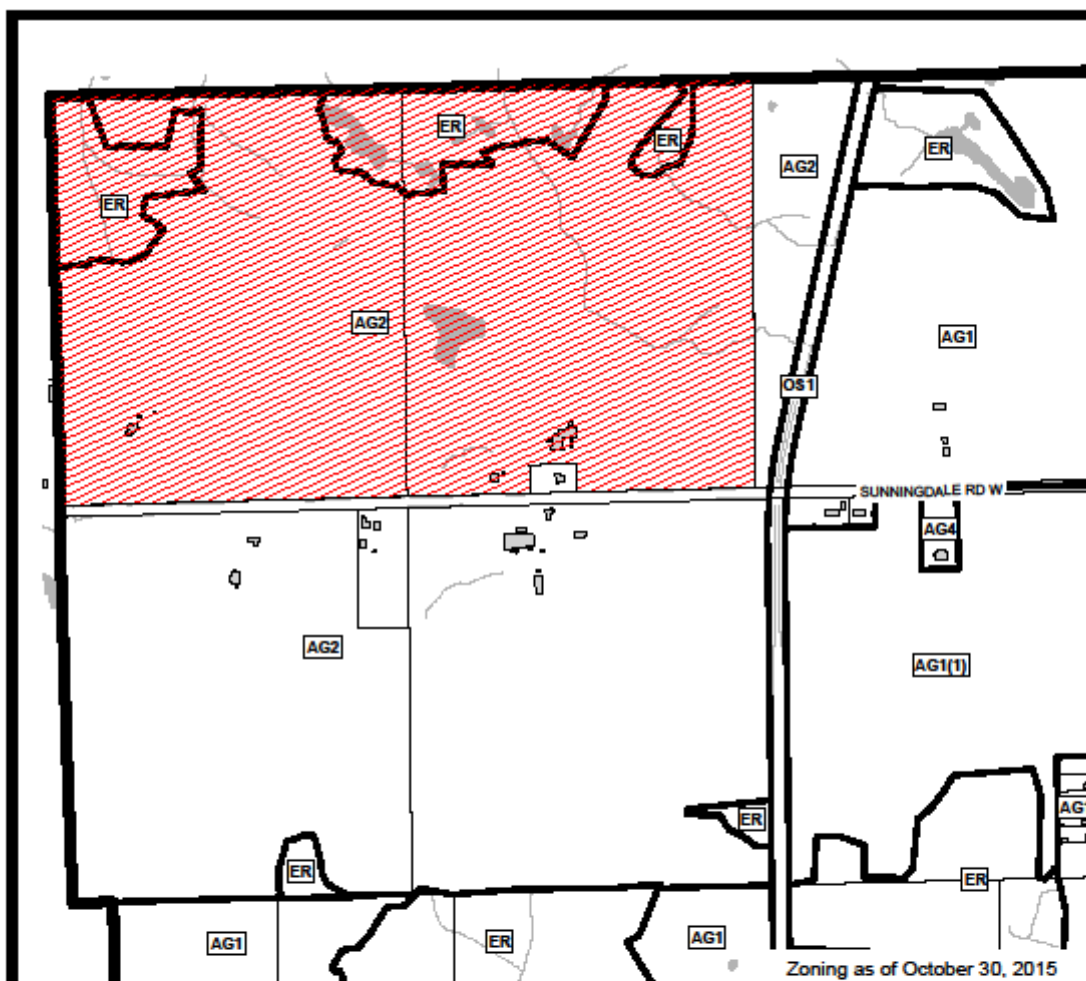
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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: AG2 and ER

1) **LEGEND FOR ZONING BY-LAW Z-1**

- | | |
|--|---|
| <ul style="list-style-type: none"> R1 - SINGLE DETACHED DWELLINGS R2 - SINGLE AND TWO UNIT DWELLINGS R3 - SINGLE TO FOUR UNIT DWELLINGS R4 - STREET TOWNHOUSE R5 - CLUSTER TOWNHOUSE R6 - CLUSTER HOUSING ALL FORMS R7 - SENIOR'S HOUSING R8 - MEDIUM DENSITY/LOW RISE APTS. R9 - MEDIUM TO HIGH DENSITY APTS. R10 - HIGH DENSITY APARTMENTS R11 - LODGING HOUSE
 DA - DOWNTOWN AREA R3A - REGIONAL SHOPPING AREA C3A - COMMUNITY SHOPPING AREA N3A - NEIGHBOURHOOD SHOPPING AREA BDC - BUSINESS DISTRICT COMMERCIAL AC - ARTERIAL COMMERCIAL HS - HIGHWAY SERVICE COMMERCIAL R3C - RESTRICTED SERVICE COMMERCIAL CC - CONVENIENCE COMMERCIAL SS - AUTOMOBILE SERVICE STATION ASA - ASSOCIATED SHOPPING AREA COMMERCIAL
 OR - OFFICE/RESIDENTIAL OC - OFFICE CONVERSION RO - RESTRICTED OFFICE OF - OFFICE | <ul style="list-style-type: none"> RF - REGIONAL FACILITY CF - COMMUNITY FACILITY NF - NEIGHBOURHOOD FACILITY HER - HERITAGE DC - DAY CARE
 OS - OPEN SPACE CR - COMMERCIAL RECREATION ER - ENVIRONMENTAL REVIEW
 OB - OFFICE BUSINESS PARK LI - LIGHT INDUSTRIAL GI - GENERAL INDUSTRIAL HI - HEAVY INDUSTRIAL EX - RESOURCE EXTRACTIVE UR - URBAN RESERVE
 AG - AGRICULTURAL AGC - AGRICULTURAL COMMERCIAL RRC - RURAL SETTLEMENT COMMERCIAL TGS - TEMPORARY GARDEN SUITE RT - RAIL TRANSPORTATION
 "H" - HOLDING SYMBOL "D" - DENSITY SYMBOL "H" - HEIGHT SYMBOL "B" - BONUS SYMBOL "T" - TEMPORARY USE SYMBOL |
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CITY OF LONDON
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

**ZONING
BY-LAW NO. Z-1
SCHEDULE A**



FILE NO:
Z-8558 BT

MAP PREPARED:
2015/12/14 MB

1:10,000
0 50 100 200 300 400
Meters

THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

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SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North - Agricultural • South - Agricultural • East - Agriculture • West - Agricultural

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map on page 4)
<ul style="list-style-type: none"> • Environmental Review (ER) and Agriculture (AG)
EXISTING ZONING: (refer to Zoning Map on page 5)
<ul style="list-style-type: none"> • Environmental Review (ER) and Agricultural (AG2)

PLANNING HISTORY

On December 14, 2016 the applicant submitted a Zoning By-law amendment to facilitate the consolidation of 2 farm parcels and permit the severance of a surplus farm dwelling. At the request of the applicant, the application was amended on February 2, 2016 to address City Planning staff's concerns regarding the size of the proposed surplus farm lot. Commenting agencies and the public were notified of the amended Zoning By-law Amendment application in a combined Revised Notice of Application and Notice of Public Meeting circulation.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

The agency comments detailed below were provided in response to the original December 23, 2015 Notice of Application to amend the Z.-1 Zoning By-law.

City of London Transportation and Design comment:

"A road widening of 18 metres from centre line will be required along Sunningdale Road West".

City of London Wastewater and Drainage comment:

"There are no municipal services available fronting the subject lands".

The Upper Thames River Conservation Authority (UTRCA) comments:

"The UTRCA has no objections given that all of the hazard lands [Environmental Review or ER Zoned lands – author's emphasis] were going to remain with the retained parcel."

The County of Middlesex comments:

"...while the County does not have direct interest in this proposal, the County is curious about staff's position on this proposal especially as it relates to lot size."

The EPAC comments:

"While there is a net benefit of increasing the tree cover, EEPAC notes that on the City's Official Plan Schedule B-1, there are Potential Naturalization Areas indicated for the areas between the Significant Woodlands at the north end of these properties. (Patches 15001, 15004, and 15005 noted on page 34 of the Report meet the City Woodland Guideline tests to be designated

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Significant Woodlands.) These patches are part of larger woodlands across the City / County boundary that have been identified in the Middlesex County Natural Heritage Study as Significant.

There would be a greater net benefit if the areas between the woodlands on the subject property were naturalized with natural species appropriate to conditions. In landscapes with relatively low forest cover overall, species diversity and survivorship increase where the remaining habitat patches are larger and more clumped or aggregated. The current literature also points to the higher effectiveness (i.e., levels of use) of natural or existing features versus purpose-created corridors, which supports the preservation and integration of remaining habitat fragments (wooded riparian areas, use of “stepping stone” woodlots, hedgerows, etc.) over the creation of new corridors, particularly to facilitate movement of forest-dwelling species.

Based on the Arborist's letter and the application, the 10 m wide strip of trees would have a lesser net environmental benefit than renaturalizing the areas at the back of the subject lands. If the proponents do not renaturalize these areas, but plant to the west, EEPAC would like to encourage the proponents to think about the intended purpose of this strip of vegetation. If the proponents would like to construct wildlife habitat to extend to Patch 15005 to the north, the strip would be more effective with a minimum width of 30 m. The determination of optimum corridor widths for wildlife movement is challenging, and the literature provides limited guidance with respect to appropriate minimum widths, lengths or width-to-length ratios. Wooded corridors 50 metres in width can facilitate movement for common generalist species.”

The issues raised above by the EPAC are addressed in the analysis section of this report.

Agricultural Advisory Committee comments:

“Although the Agricultural Advisory Committee is sympathetic to the unusual shape of the property, , in its opinion, the proposed severance does not meet the Provincial Policy Statement 2014 and would prefer that the severed portion with the existing dwelling be of smaller acreage in order for the retained agricultural parcel to be larger.”

PUBLIC LIAISON:	<p>On December 23rd, 2015, Notice of Application to amend the Z.-1 Zoning By-law was sent to 17 property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on December 24th, 2015. A “Possible Land Use Change” sign was also posted on the site.</p> <p>On March 9, 2016, a combined Revised Notice of Application and Notice of Public Meeting was sent to the previously circulated property owners and published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i>. The revised Notice is shown below.</p>	<p>No replies were received in response to the December 23, 2015 Notice of Application.</p> <p>No replies were received in response to the March 10, 2016 combined Revised Notice of Application and Notice of Public Meeting.</p>
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Nature of Liaison:

The purpose and effect of this amendment is to consolidate farm parcels and permit the severance of a surplus farm dwelling. On December 24, 2015 a notice was provided of a Possible change to Zoning By-law Z.-1 **FROM** an Agricultural (AG2) Zone which permits intensive and non-intensive agricultural uses and an Environmental Review (ER) Zone which permits such uses as conservation lands, agricultural uses and managed woodlots **TO** an Agricultural Special Provision (AG2(_)) Zone to permit a front yard setback from the existing farm dwelling of 23 metres and an Environmental Review (ER) Zone for the lands at 2001 Sunningdale Road West **AND** an Agricultural Special Provision (AG2(_)) Zone which permits an existing single detached dwelling with special provisions to provide for a lot area of 3.2 hectares, and a lot frontage of 175 metres and an Environmental Review (ER) Zone **AND** an additional Agricultural Special Provision (AG2(_)) Zone to permit farms (excluding farm dwellings) and all uses in the Agricultural (AG2) Zone (excluding farm dwellings) for the lands at 2215 Sunningdale Road West to be conveyed and consolidated with lands known as 2001 Sunningdale Road West. The applicant has since amended their requested amendment as it pertains to the size of the surplus farm lot (described as (AG2(_)) above) such that the requested Agricultural Special Provision (AG2(_)) Zone would permit an existing single detached dwelling with special provisions to provide for a maximum lot area of 1.7 hectares and a minimum lot frontage of 65 metres. The Corporation of the City of London will also consider the use of a holding provision to ensure that the subject lands are assessed for the presence of archaeological resources prior to development. The applicant's requested changes were circulated to abutting property owners in a combined Notice of Amended Application and Notice of Public Meeting on March 9, 2016. The subject lands are also the subject of a consent application (B.048/15) to sever the surplus farm dwelling.

ANALYSIS

The Subject Lands:

The Canada Land Inventory (CLI) is a "...comprehensive multi-disciplinary land inventory of rural Canada. CLI maps identifying the capabilities of rural land across the country for agriculture, forestry, wildlife and recreational purposes are widely used by many regional jurisdictions for land use planning purposes including farm consolidation". The CLI uses seven classes to rate agricultural land capability. Class 1 lands have the highest, and Class 7 lands have the lowest, capability to support agricultural land use activities. The subject lands (as well as lands to the north, south, east and west) have been identified in the CLI for their high quality Class 2 soils and agricultural capability.

While the predominant use of land in area is for agriculture, there are examples of rural residential lots in the immediate vicinity of the subject lands. These existing rural residential lots average 0.7 hectares (1.9 acres) in size and include:

ADDRESS	LOT AREA
1744 Sunningdale Road West	2.1 acres
1790 Sunningdale Road West	0.6 acres
1806 Sunningdale Road West	1.5 acres
1965 Sunningdale Road West	1.0 acres
2080 Sunningdale Road West	4.6 acres

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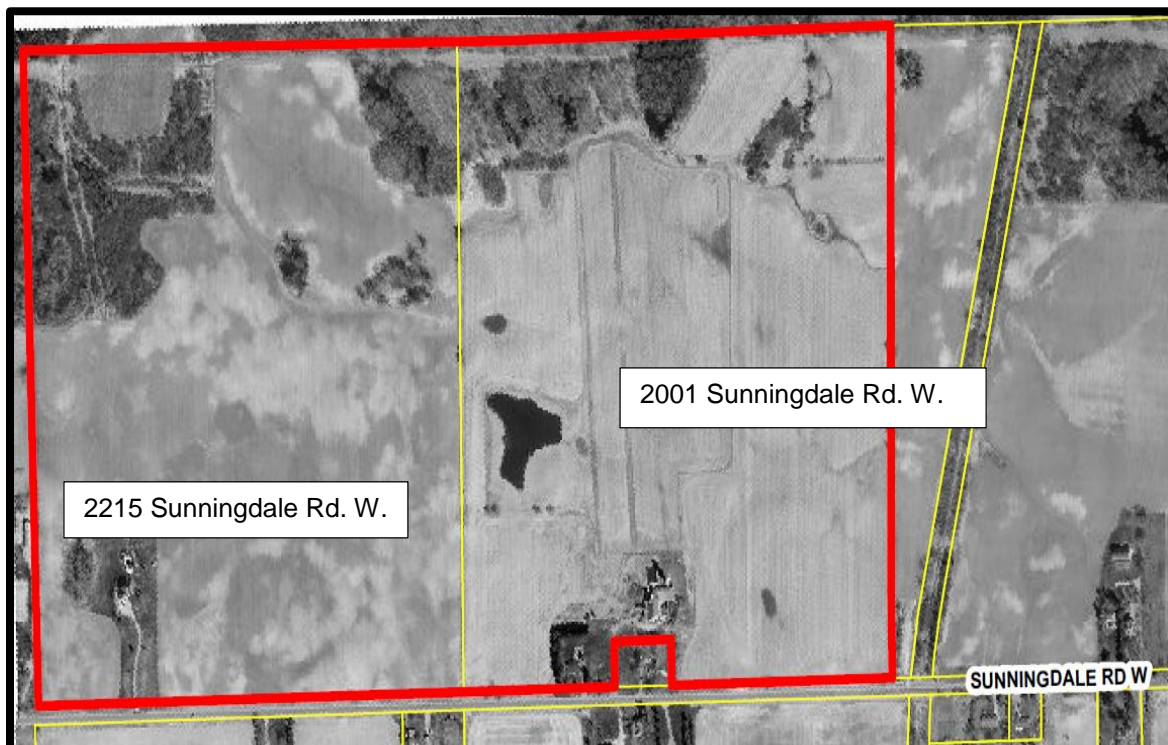
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The subject lands are located on the north side of Sunningdale Road West, west of Hyde Park Road, immediately adjacent to the City's northwesterly boundary (see Figure 1 below). The lands are located outside of the City's Urban Growth Area Boundary and are presently serviced by individual on-site, private, water and sewer systems.

The 44.2 hectare (109.3 acre) parcel of land known municipally as 2001 Sunningdale Road West is largely used for agricultural purposes. The lot also contains a farm dwelling (with a 23 metre front yard setback) and an associated barn structure. A 6.5 hectare (16 acre) vegetative patch that includes a locally significant wetland flanks the farming operation on the northern boundary of the property. The site has also been identified in the City of London Archaeological Master Plan as having archaeological potential.

The 43.8 hectare (108 acre) parcel of land known municipally as 2215 Sunningdale Road West is primarily used for agricultural purposes. The farming lot also contains a "farm dwelling", an in-ground pool, a pool house, and a shed. An existing well is located to the east of the existing dwelling. An existing septic system is located to the northwest of the existing dwelling. A 0.15 hectare (0.3 acre) stand of trees is located to the west of the existing dwelling. The farm dwelling, accessed as it is via a 120 metre (390 foot) winding driveway, is more characteristic of a "rural estate dwelling". Notwithstanding the size and setback of the dwelling, aerial photos spanning the period 1998 through the present clearly show the continuous use of the majority of the lot for agricultural purposes (see Figures 2 and 3). A 5.1 hectare (12.6 acre) vegetative patch that includes a locally significant wetland demarks the property's northern boundary. The subject lands have also been identified in the City of London Archaeological Master Plan for their archaeological potential.

Figure 1 – The Subject Lands:



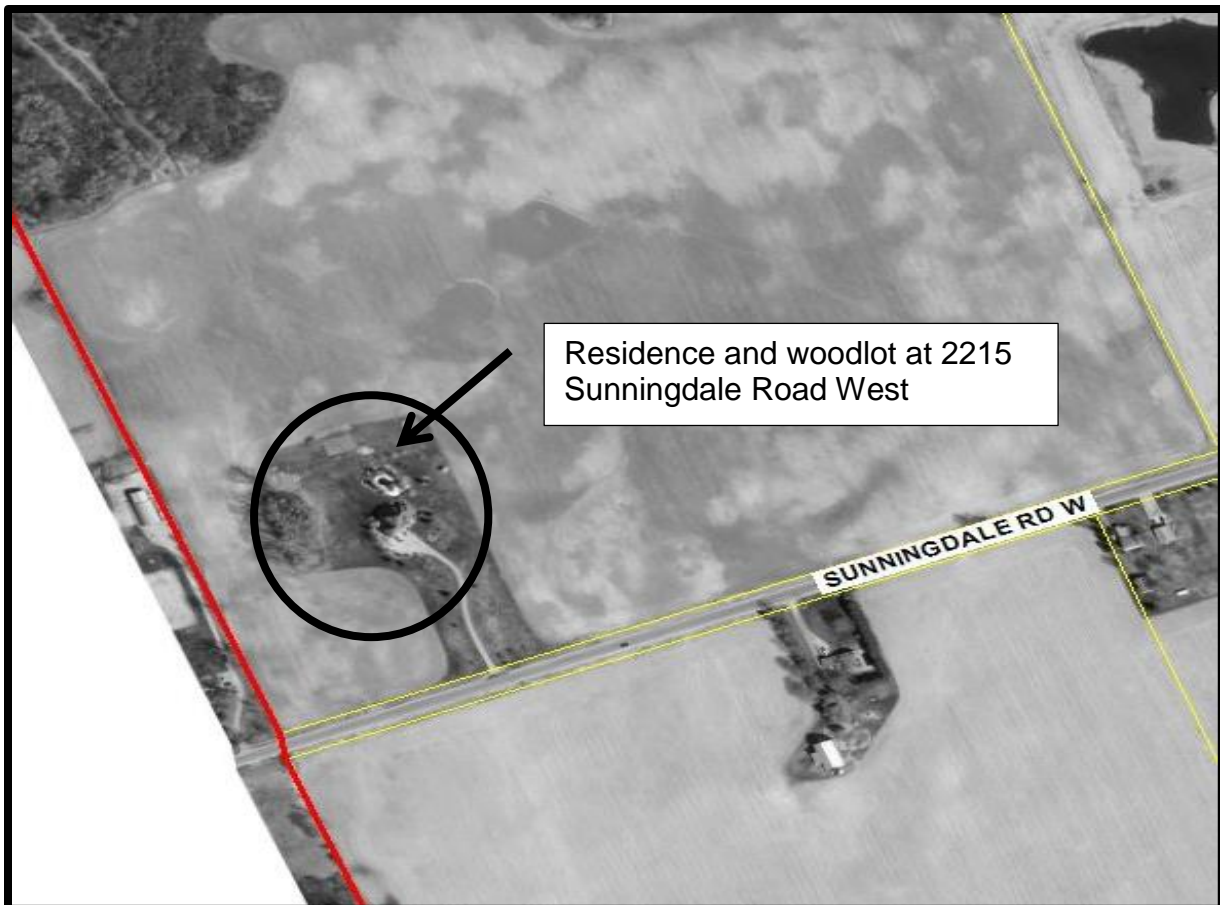
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Figure 2 – 1998 Aerial Photo (2215 Sunningdale Road West)



Figure 3 – 2015 Aerial Photo (2215 Sunningdale Road West)



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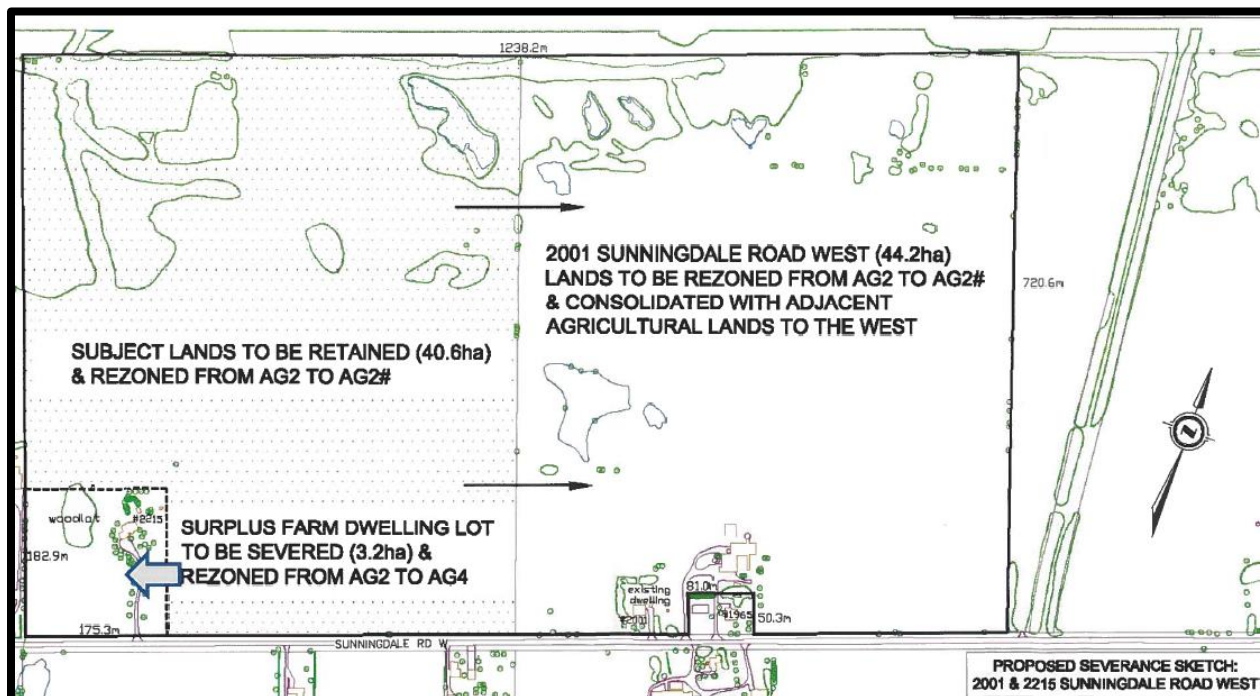
The Nature of the Original and Amended Proposal:

Lands known municipally as 2215 Sunningdale Road West are under the ownership of Mr. Nelson Morphy. The 43.8 hectare (108 acre) property contains a single detached dwelling where Mr. Morphy’s daughter and family reside. Mr. Morphy also owns 2001 Sunningdale Road West where he resides in an existing farm dwelling on a 44 hectare (109 acre) farm lot. It is the intention of Mr. Morphy to merge both agricultural parcels - with the resultant 84.9 hectare (209 acre) consolidated farm lot under his continued ownership. The existing dwelling at 2215 Sunningdale Road West dwelling, where Mr. Morphy’s daughter (L. Ruby) would continue to reside, would be surplus to the needs of the consolidated farm and would be severed. In sizing the surplus farm dwelling lot, it was Mr. Morphy’s intention to not only include the existing dwelling and associated structures and services, but also the woodlot and a portion land fronting Sunningdale Road West that has been, and continues to be, used for agricultural purposes. Mr. Morphy’s original request proposed a surplus farm lot that would have: 175 metres (575 feet) of frontage; 182 metres (600 feet) of depth; and, be approximately 3.2 hectares (8 acres) in size. No new buildings and/or structures were anticipated by way of the requested amendment.

With a mind to facilitating the above, and acting on behalf of Mr. Morphy, the residents of 2215 Sunningdale Road West (the Ruby’s) submitted an application to the London Consent Authority in December of 2015 to sever and convey 40.6 hectares (100 acres) of agricultural and environmental review lands to the abutting farm property at 2001 Sunningdale Road West. The residents of 2215 Sunningdale Road West, again acting on Mr. Morphy’s behalf, submitted a concurrent Zoning By-law Amendment application – the purpose and effect of which was to consolidate the farm parcels and provide for severance of the proposed 3.2 hectare surplus farm lot surplus and surplus farm dwelling (see Figure 4).

In justifying the size of the proposed surplus lot, the applicant submitted a Woodlot Enhancement Plan. The Woodlot Enhancement Plan was based on a proposed reforestation program that provided for the enhancement of the existing woodlot and the establishment of a new 10 metre wide naturalized corridor connecting the enhanced woodlot to environmentally significant features and functions to the north (see Figure 5). The comments of the EEPAC (noted above) were made in response to the proposed Woodlot Enhancement Plan.

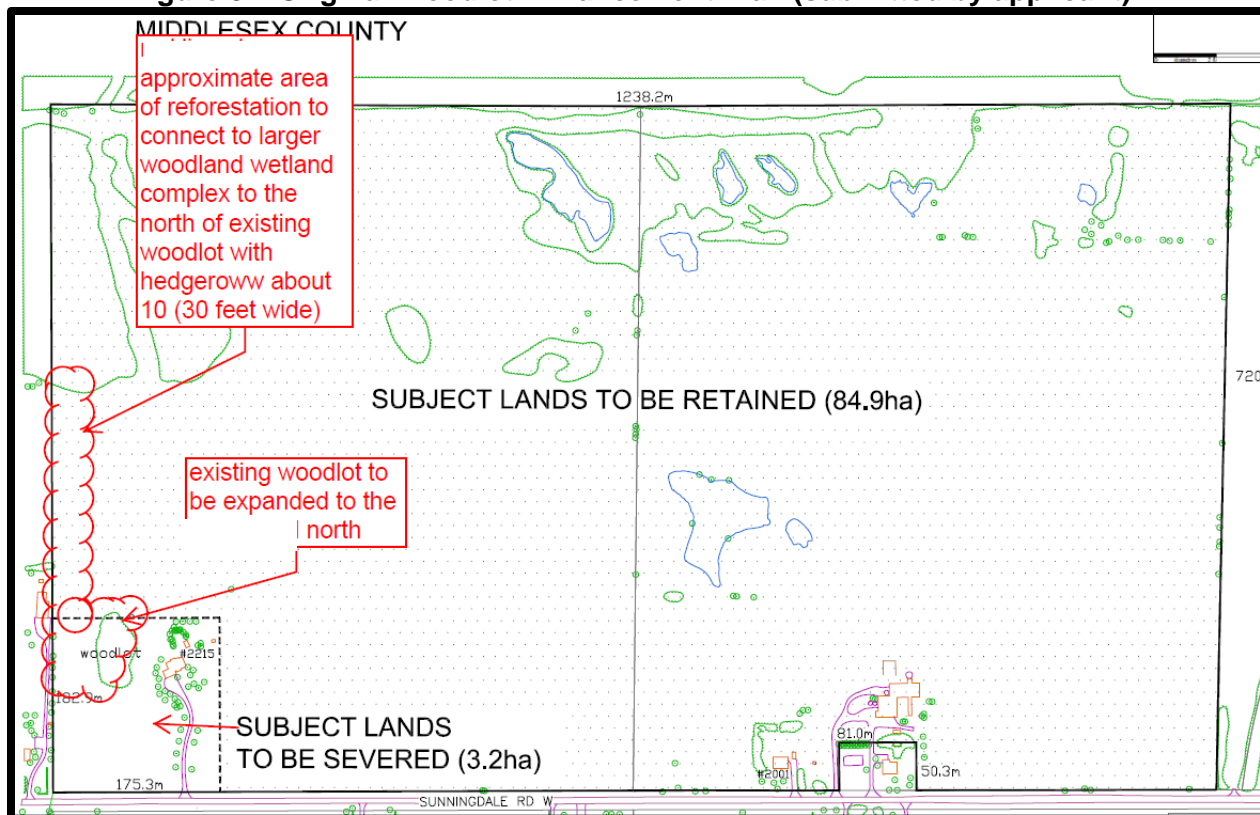
Figure 4 – Original Proposal for Farm Consolidation and Surplus Farm Lot (submitted by applicant)



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Figure 5 – Original Woodlot Enhancement Plan (submitted by applicant)



A Notice of Application for Consent and a Notice of Application to amend the Z.-1 Zoning By-law was circulated to commenting agencies and surrounding property owners in December 2015.

On January 20th, 2016 Planning and Development Services staff met with the applicant's consultant to discuss the size of the proposed 3.2 hectare (8 acre) surplus farm lot. City staff were concerned that the proposed surplus lot "...exceeded the minimum size needed to accommodate the use and appropriate sewage and water services..." specifically prescribed under Section 2.3.4.1 of the *Provincial Policy Statement, 2014* (PPS). City staff also raised the Agricultural Land Consent policies of Section 9 of the City of London Official Plan which echo Provincial Policy in stating "...The [surplus] 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." The staff's position is consistent with and implements the recommendation of the agricultural Advisory Committee.

In consideration of the City's position, the applicant (on February 18, 2016) proposed modifications to the original zoning by-law amendment request (see Figure 6). The proposal reduced the size of surplus farm lot from 3.2 hectares (8 acres) as shown on Figure 4 above to 1.7 hectares (4.2 acres). In justifying the size of the surplus farm lot the applicant's consultant noted:

The basis of our request is largely to sever the area of land that the rural residence is currently using. That includes the westerly adjacent wooded-wetland – that is not arable because it is too wet. This is an amenity area for the rural residence that the family enjoy and do not want to lose. He [the applicant] is prepared to cut back the depth of the area being used and return it to agricultural field production (by reducing the depth from 207 metres to 185 metres) and narrowing the proposed frontage by 2.8 metres to preserve agricultural land along the west laneway area. The water well is on the east side of the residence and the septic raised bed is largely north and west of the residence. There is a house foundation weeping tile drain that extends 87 feet to the west of the garage toward the wooded wetland. We have attempted to keep the severed parcel as regular shaped and with as few boundary bearings as possible. I do not believe the PPS speaks to shape. The City OP does but the function and merits of the

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severed parcel should out-weigh the shape I the overall evaluation [of the proposal]”.

The revised proposal was received by City staff for further consideration. The revised submission was circulated to the public and commenting departments/agencies as part of a combined Letter of Notice of Revised Application and Notice of Public Meeting. Planning staff would note that the comments appearing in this report were offered in response to the applicant’s original severance proposal illustrated on Figure 4 and not the revised proposal advanced on Figure 6.

Figure 6 – Revised Severance Proposal



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The Provincial Policy Statement:

The *Provincial Policy Statement, 2014* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS is more than a set of individual policies. It is intended to be read in its entirety and the relevant policies are to be applied to each situation.

In this particular instance a farm consolidation is sought and the applicant is seeking the necessary planning approvals, including a zoning by-law amendment, to facilitate the severance of a surplus farm dwelling. The following relevant policies are to be given consideration in the review of the requested action:

Section 2.3.1., Wise Use and Management of Resources – Agriculture:

The CLI identifies the subject lands and surrounding area as having Class 2 soils. Section 2.3.1 of the PPS states that “*Prime agricultural prime agricultural areas shall be protected for agriculture.*” Prime agricultural areas are specifically defined in the PPS to include “...*specialty crop areas and/or Canada Land Inventory Class 1, 2 and 3 lands*”.

The CLI identifies the subject lands and surrounding area as Class 2 agricultural soils. As such, the subject lands are viewed by the PPS as prime agricultural lands in a prime agricultural area.

Section 2.3.2 of the PPS continues noting the provincial intent that “...*prime agricultural areas shall be protected for [their] long-term use for agriculture*”. The subject lands lay outside of the City of London Urban Growth Area Boundary. Consistent with the policies of the PPS, the subject lands and surrounding area are designated in the City’s Official Plan for agricultural and open space uses.

To ensure the continued viability of agricultural operations on lands designated for long-term agricultural purposes, Section 2.3.2 of the PPS states that “...*new land uses, including the creation of lots, shall comply with the minimum distance separation formulae...*” of the PPS. The requested action, as revised, would facilitate the severance of a surplus farm lot containing an existing residential building. No new buildings and/or structures are contemplated by way of the requested action. As such, the minimum distance separation formulae policies of the PPS do not factor into the consideration of the zoning approvals currently sought by way of the application.

To maintain the supply of agricultural land and the long-term viability of agricultural operations, the policies of the PPS “*strongly discourage*” lot creation in prime agricultural areas. To assist planning authorities in the realization of this provincial goal, the policies of Section 2.3.4.1 of the PPS specifically prescribe that lot creation may only be permitted for a lot adjustment or “...*a residence surplus to a farming operation as a result of farm consolidation*”. Where the latter is the case, the policies of the PPS further prescribe that “...*the new [surplus farm] lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services*” and that “...*new residential dwellings are prohibited on any remnant parcel created by the severance...*”

The requested action, as revised, is generally consistent with the lot creation policies of the PPS as it would provide for the continuation of an existing residential use now made surplus to a farming operation as a result of a farm consolidation. The revised parcel however includes lands (specifically the woodlot) above and beyond those specifically prescribed by provincial policy to protect the long-term supply and viability of prime agricultural land. Information available from the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) suggests however, that normal farm practices regularly include the removal of isolated woodlots and clumps of trees in cultivated areas. The woodlot, should it be included in the consolidated farm parcel and not the severed parcel, could be cleared for cultivation at some future time. The applicant has noted however that, in this particular instance, “...*the woodlot is not arable because it is too wet*”.

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Aerial photos dating to 1988 would appear to substantiate the applicant's assertion and lend support to the staff recommendation to include this portion of the site on the severed portion of the site.

The inclusion of the woodlot with the surplus farm lot does find support however in the *Energy Conservation, Air Quality and Climate Change* policies of Section 1.8 of the PPS that state "...*Planning Authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse emissions, and climate change adaptation through land use and development patterns whichmaximize energy efficiency and conservation, and considers the mitigating effects of vegetation.* The 0.15 hectare woodlot currently provides a natural shelter to the surplus farm dwelling. An on-line energy savings model (the iTreeEco Design model) suggests that the long-term retention of the woodlot could result in annual heating and cooling savings of \$1,000 USD for the surplus farm dwelling. In his particular instance, sizing the surplus farm lot to include the prescribed on-site servicing and the woodlot can be seen to be consistent with, and serve to implement, the surplus farm dwelling and energy conservation policies of the PPS.

To further preserve viable agricultural lands and farming operations, Section 2.3.4.3 of the PPS states that "...*the creation of new residential lots in prime agricultural areas shall not be permitted...*"(except in those lot adjustment and surplus farm instances noted above). The requested zone is consistent with Section 2.3.4.3 of the PPS in-as-much as it includes a special provision limiting the use of the surplus farm lot to the existing surplus farm dwelling. The requested zone also includes an additional special provision restricting the development of a new farm dwelling on the 40 hectare parcel to be retained and consolidated with lands known municipally as 2001 Sunningdale Road West.

Section 2, Wise Use and Management of Resources – Natural Heritage:

In justifying the size of the originally proposed enlarged surplus lot (see Figure 4), the applicant relied on a Woodlot Enhancement Plan premised on a proposed reforestation program (see Figure 5). This Reforestation Program envisioned the enhancement of the existing 1.5 hectare woodlot and the establishment of a new 10 metre wide naturalized corridor linking the woodlot with the woodland/wetland complex to the north.

Section 2 of the PPS states that "...*Natural features and areas shall be protected for the long-term. 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*".

As illustrated on Figure 7 below, Schedule B1 to the City's Official Plan identifies the presence of environmentally significant features and functions on the subject lands. As called for in the Natural Heritage policies of the PPS, Schedule B1 to the City's Official Plan serves to identify potential naturalization and linkage opportunities meriting long-term protection.

Schedule B1 of the OP does not identify the proposed surplus farm lot as containing any significant environmental features or functions. Further, Schedule B1 does not identify the presence of potential linkage opportunities on the proposed surplus farm lot.

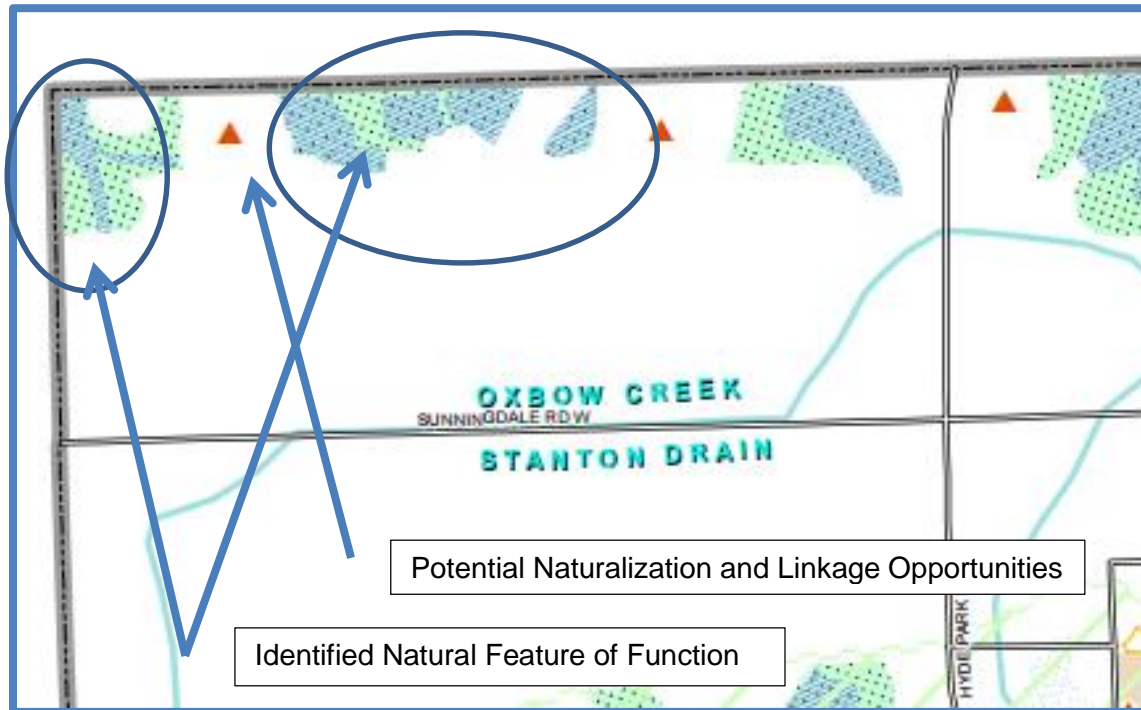
In this particular instance, the Natural Heritage policies of the PPS do not serve to justify the size of the surplus farm lot as originally proposed. While the applicant contends that "...*an expanded lot area is required to support and enhance the ecological function of the existing wooded area*" an expanded wooded area in and of itself is not an identified lot sizing consideration in the PPS. Further, there is nothing in the existing or recommended zoning regulations that would prohibit the applicant from pursuing the enhancement and naturalization strategies envisioned in their Woodlot Enhancement Project – these enhancements could all be undertaken on a lot sized only to include the existing dwelling and associated private on-site

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sewage and water services.

Figure 7 – Schedule B1 Natural Heritage Features to the City of London Official Plan (excerpt)



Section 2, Cultural Heritage and Archaeological:

Section 2.6 of the PPS states that “...development and site alteration shall not be permitted on lands containing archaeological potential unless significant archaeological resources have been conserved.” For the purpose of the Planning Act, “development” is defined to include lands subject to a consent application.

The subject lands have been identified in the City of London Archaeological Master Plan as having archaeological potential. The policies of Section 2.6 of the PPS would require that an archaeological assessment be undertaken prior to the development of these lands. To implement this requirement, the recommended amendment includes a holding provision requiring the undertaking of a heritage resource assessment.

The Official Plan:

The Official Plan contains Council's objectives and policies to guide the short-term and long-term physical development of the municipality. The policies promote orderly urban growth and compatibility among land uses. While the objectives and policies in the Official Plan primarily relate to the physical development of the municipality, they also have regard for relevant social, economic and environmental matters.

A portion of the subject lands is designated “Environmental Review” within the Official Plan. The Environmental Review designation is applied to lands which may contain significant natural features and important ecological functions which should be protected from activities that would diminish their functions pending the completion of a detailed environmental study. The Environmental Review permits the continuance of farming that is carried out in accordance with generally accepted farming practices. The existing designated and zoned environmental review lands are not proposed to change and will be maintained in the current form and location.

A portion of the subject lands is designated “Agriculture” within the Official Plan. The Agriculture

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designation is applied to lands outside of the identified urban growth area over the planning period. Agriculture and farm-related activities are the predominant land use, including the cultivation of land and the raising of livestock. The Agriculture policies recognize the need for a long term commitment to agriculture and are intended to avoid the fragmentation of land holdings, minimize the loss of prime agricultural land to non-farm development, and discourage the introduction of land uses that are not compatible with, or may potentially constrain farm operations.

Agricultural lots are encouraged to be retained or consolidated to ensure that farms are of sufficient size to promote efficient operations, responsible environmental management and to maintain long term viability. As such, severances of land within the Agriculture designation are restricted in order to limit farmland fragmentation and the creation of lots for non-farm purposes. The Agricultural Consent Policies in section 9.2.14 provide limited occasions where lot creation is considered appropriate; with one such exception being the severance of a 'surplus farm dwelling'.

The existing dwelling at 2215 Sunningdale Road West is considered independent and unessential to the consolidated farm operation. The proposed severed residential lot, and recommended Agricultural Special Provision (AG2(_)) Zone will recognize the existing dwelling and provide the minimum sized parcel of land required to support private services. The remnant farm parcel is to be conveyed and consolidated with the adjacent agricultural operation to the east at 2001 Sunningdale Road West to form a single lot. The effect of the severance will be the creation of a separate lot for the surplus farm dwelling, and a larger agricultural land holding which is consistent with the Official Plan policies to promote viable farm parcels.

The policies of the Official Plan state that planning approvals (including Zoning By-law amendment applications and consents) will be subject to review for their potential impact to archaeological resources. The subject lands subject to the current Z.-1 Zoning By-law amendment request have been identified in the City of London Archaeological Maser Plan for their archaeological potential. The recommended Zoning By-law amendment will ensure that an archaeological assessment is undertaken for the subject lands prior to any development.

The Z.-1 Zoning By-law and Recommended Z.-1 Zoning By-law Amendment:

The subject lands are within the Environmental Review (ER) and the Agricultural (AG2) Zone. The proposal is to retain the lands zoned for Environmental Review (ER), and amend the Agricultural zoned lands to include special provisions for both the severed and retained portions of the lot. The Agricultural (AG2) Zone is intended to be applied to lands which are designated Agriculture in the Official Plan. The creation of properties less than 40 ha (98.8 ac) in size is discouraged by the Official Plan policies; however, in certain exceptions, and where in accordance with provincial policy, special provisions are supported to permit a surplus farm dwelling severance. The requested action (as amended) and recommended zones (as described below) are consistent with, and will serve to implement, the policies of the *PPS* and the City of London Official Plan:

2001 Sunningdale Road West:

The recommended Agricultural Special Provision (AG2(*)) Zone will permit all of the existing uses in the Agricultural (AG2) Zone. A Special Provision has been included to provide for a front yard setback of 23 metres (75 feet) to recognize the location of the existing farm dwelling whereas 30 metres (or 98 feet) is required.

Noting that the subject lands have been identified in the City of London Archaeological Master Plan as having archaeological potential, a Holding "(h-18)" Zone, requiring that lands be assessed for the presence of archaeological resources prior to development, is recommended

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for both the recommended Agricultural Special Provision (AG2(*)) Zone and the Environmental Review (ER) Zone as they apply to lands known as 2001 Sunningdale Road West.
2215 Sunningdale Road West – (the retained portion to be consolidated with 2001 Sunningdale Road West):

The recommended Agricultural Special Provision (AG2(**)) Zone will permit a farm, excluding a farm dwelling, on the remnant farmed lot in order to comply with provincial policy and to protect and maintain the viability of the agricultural area. The recommended Agricultural Special Provision (AG2(**)) Zone will also permit all the other uses permitted in the Agricultural (AG2) Zone variation excluding farm dwellings.

The subject lands have also been identified in the Archaeological Master Plan for their archaeological potential. A Holding “(h-18)” Zone, requiring that lands be assessed for the presence of archaeological resources prior to development, is further recommended for the retained portion of 2215 Sunningdale Road West to be conveyed and consolidated with 2001 Sunningdale Road West and the Environmental Review (ER) Zone which is also to be conveyed and consolidated.

2215 Sunningdale Road West:

The recommended Agricultural Special Provision (AG2(***)) Zone will facilitate the severance of the surplus farm dwelling and will provide for an existing single detached dwelling on a 1.7 hectare lot with 65 metres of frontage – which is the maximum size required to support the existing on-site private services. A Holding “(h-18)” Zone, requiring that lands be assessed for the presence of archaeological resources prior to development, is not recommended for the Agricultural Special Provision (AG2(***)) Zone as permitted uses are limited to the existing single detached dwelling.

CONCLUSION

The recommended Zoning By-law amendment is consistent with the policies of the Provincial Policy Statement (2014) and the City of London Official Plan. The proposal represents a surplus farm dwelling severance and will enable the independent function of the existing single detached dwelling and the consolidation of the farm operation. The recommended zone allows for an appropriate development that is consistent with the use of the land in the agricultural area.

PREPARED BY:	SUBMITTED BY:
BRIAN TURCOTTE SENIOR PLANNER, CURRENT PLANNING	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

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Bibliography of Information and Materials
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Request for Approval:

City of London Zoning Application Form, completed by Laverne Kirkness on behalf Glen and Lianne Ruby, November 2015

Reference Documents:

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended.

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, 2014.

City of London. *Official Plan*, June 19, 1989, as amended.

City of London. *Zoning By-law No. Z-1*, May 21, 1991, as amended.

Kirkness Consulting Urban and Rural Planning, *Planning Justification Report*, November 2015

Correspondence: (all located in City of London File No. Z-8558 unless otherwise stated)

City of London -

City of London Planning Services. Various e-mails from December 2015 through February 2016.

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Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2016

By-law No. Z.-1-16_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 2001 Sunningdale Road West and 2215 Sunningdale Road West.

WHEREAS Lianne and Glen Ruby have applied to rezone an area of land located at 2001 Sunningdale Road West and 2215 Sunningdale Road West, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 2001 Sunningdale Road West and 2215 Sunningdale Road West, as shown on the attached map comprising part of Key Map No. A101, from an Agricultural (AG2) Zone and an Environmental Review (ER) Zone to a Holding Agricultural Special Provision (h-18•AG2(*)) Zone, a Holding Agricultural Special Provision (h-18•AG2(**)) Zone, an Agricultural Special Provision (AG2(***)) Zone and a Holding Environmental Review (h-18•ER) Zone.
- 2) Section Number 45.4 of the Agricultural (AG2) Zone is amended by adding the following Special Provision:

AG2(*)	2001 Sunningdale Road West	
a)	Regulations	
i)	Front Yard Depth (Minimum)	23 m (75 feet)
AG2(**)		
a)	Permitted Uses:	
i)	a farm, excluding a farm dwelling	
ii)	all other uses permitted in the AG2 Zone Variation excluding a farm dwelling	
AG2(***)	2215 Sunningdale Road West	
a)	Permitted Uses	
i)	An existing single detached dwelling	
b)	Regulations	
i)	Lot Area (Maximum)	1.7 hectares (4.2 acres)
iii)	Lot Frontage (Minimum)	65 metres (213 feet)

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of

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convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on April 5, 2016.

Matt Brown
Mayor

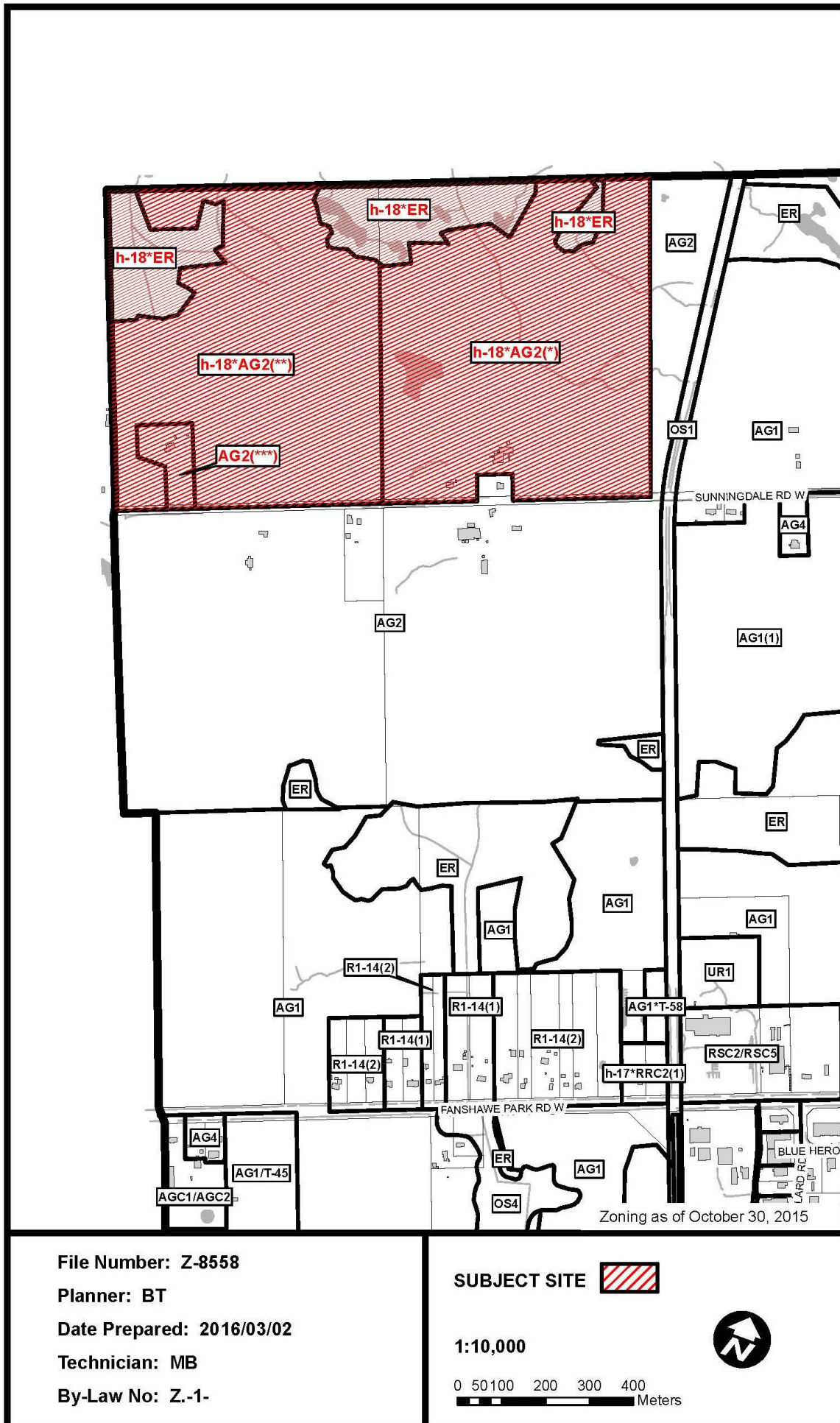
Catharine Saunders
City Clerk

First Reading - April 5, 2016
Second Reading – April 5, 2016
Third Reading - April 5, 2016


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AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: Z-8558
 Planner: BT
 Date Prepared: 2016/03/02
 Technician: MB
 By-Law No: Z.-1-

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