



## PLANNING EVALUATION REPORT

Meeting Date: July 17, 2017  
 Submitted by: Christie Basalle, RPP, Planner  
 Subject: **Application for Consent B13-2017**  
**Part of Lot 16, Concession 4, S.E.R.**  
**(Geographic Township of Adelaide)**  
**2894 Napperton Drive**  
**Owner: Gysbers Brothers Inc.**  
**Agent: Barbara Rosser, Planning Consultant**

### BACKGROUND

The purpose of Application for Consent B13-2017 is to permit the severance of a residence from a farm parcel, facilitating the creation of a new lot to dispose of a residence surplus to a farming operation as a result of consolidation.

The subject property is approximately 40.06 ha (99 ac) in size and extends along Napperton Drive, lying between School Road and Pike Road within the geographic Township of Adelaide, Township of Adelaide Metcalfe.

The proposal is summarized below:

	'Lands to be severed'	'Lands to be retained' <i>Remnant Farm Parcel</i>
Lot Frontage	30 m (98.4 ft)	249.07 m (817.2 ft)
Lot Depth	Irregular	Irregular
Lot Area	0.89 ha (2.2 ac)	39.2 ha (96.9 ac)

The lands proposed to be severed contain an existing single detached dwelling constructed in 1938 and two accessory buildings (drive sheds). The applicant has advised that the west side drive shed is to be demolished. The dwelling is privately serviced with an individual septic system and well. The lands proposed to be severed include an existing access onto Napperton Drive. Napperton Drive is classified as a 'collector road' under the jurisdiction of the County of Middlesex.

The lands proposed to be retained, being the remnant farm parcel, are un-serviced and largely in agricultural production with cash crops and a significant fixed solar panel project at the rear of the property. An additional single solar panel is located north of the existing dwelling but on the lands proposed to be retained. There does not appear to be access from Napperton Drive to the lands proposed to be retained.

Surrounding land uses are predominantly agricultural.

Key Map 1 illustrates the full extent of the subject property and surrounding land uses.

Key Map 2 illustrates a close up of the original proposal for the lot to be severed.



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### **Policy and Regulatory Context**

#### 2014 Provincial Policy Statement (PPS)

The subject property is located within a 'Prime Agricultural Area'. Section 2.3 of the PPS addresses agricultural land use. Policy 2.3.4.1 – Lot Creation and Lot Adjustments directs that lot creation may be permitted for a residence surplus to a farming operation as a result of farm consolidation, provided the new lot is limited to a minimum size needed to accommodate the use of appropriate sewage and water services, and new residential dwellings are prohibited on the remnant parcel of farmland.

#### Middlesex County Official Plan

The subject property is located within the 'Agricultural Area' designation on Schedule 'A' of the County Official Plan. The intent of the 'Agricultural Area' designation is to protect lands for agricultural uses.

Section 4.5.3.4 of the Plan indicates that consent to sever a residence surplus to a farming operation as a result of farm consolidation may be permitted, provided the residence was built prior to January 1, 1999 and that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.

#### Township of Adelaide Metcalfe Official Plan

The subject property is located within the 'Agricultural Areas' designation on Schedule 'A-1' of the Township's Official Plan. The intent of the 'Agricultural Areas' designation is to protect the agricultural land base for the maintenance of the economic and social fabric of the community. The primary use of land in this designation shall be farming, which includes the use of land for the growing of crops, raising of livestock, aquaculture and agroforestry.

Through Official Plan Amendment No. 10, the Township's agricultural consent policies were amended to permit the severance of dwellings surplus to a farming operation as a result of farm consolidation. The severance of dwellings surplus to the needs of a farming operation as a result of farm consolidation may be considered where the following criteria have been satisfied:

- a) Farm consolidation occurs or has occurred through the acquisition of an additional farm parcel.
- b) The farming operation consists of at least two farms. The farms can be located in different municipalities and the registered ownership of the farms need not be in the same name provided it is demonstrated that the farms are operated as a single farming operation.
- c) It is demonstrated that the dwelling is surplus to the needs of the farm operation.
- d) The dwelling was built prior to the timeframe specified by the County's Official Plan [January 1, 1999].
- e) The dwelling is habitable and in compliance with the Township's Property Standards By-law to the satisfaction of the Township's Chief Building Official.



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- f) The proposed lot is the minimum size needed to accommodate the residential use and private on-site services. The loss of agricultural land shall be also avoided wherever possible when determining an appropriate lot size. Any substandard servicing shall be brought to minimum standards to the satisfaction of the Township's Chief Building Official.
- g) Farm buildings deemed surplus to the needs of the farm or incompatible with the proposed residential lot if retained with the farm, may require demolition or removal. Proximity to the residential use, proposed lot lines, compliance with Minimum Distance Separation (MDS I) and the structural condition of farm buildings shall be governing factors as to whether demolition or removal is required. Farm buildings shall not be included with the proposed residential lot unless deemed structurally sound and in good condition by the Township's Chief Building Official and provided they do not exceed the requirements implemented through the Township's Comprehensive Zoning By-law.
- h) The raising of livestock shall be prohibited on the proposed residential lot and implemented through the Township's Comprehensive Zoning By-law.
- i) New and independent vehicular access to both the lot to be severed and the remnant farm parcel shall be provided, if necessary, in accordance with the requirements of the road authority having jurisdiction.
- j) Any new residential use is prohibited on the remnant farm parcel and implemented through the Township's Comprehensive Zoning By-law.
- k) A notice is registered on the title of the proposed residential lot specifically notifying owners of normal farm practices, as outlined in the Farming and Food Production Act, 1998, as amended.

### Township of Adelaide Metcalfe Zoning By-law No. 34-2007

The subject property is zoned both 'General Agriculture (A) Zone' and 'Environmental Protection (EP) Zone' within the local Zoning By-law. The 'General Agriculture (A) Zone' permits a range of agricultural and related uses. The 'A' zone requires a minimum lot area of 40 ha (98 ac) with a minimum lot width of 150 m (492 ft). The 'Environmental Protection (EP) Zone' permits only conservation, existing agriculture and passive recreational uses. No new buildings shall be permitted within the 'EP' zone.

To facilitate the creation of the new lot to dispose of the surplus dwelling, both the lot to be retained and the lot to be severed would require zone changes. The intent of the 'Agriculture Only (AO) Zone' is to prohibit new residential uses on the remnant farm parcel. The intent of the 'Surplus Dwelling (SD) Zone' is to restrict the use of parcels resulting from the disposal of surplus farm dwellings.



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### ANALYSIS

The Provincial Policy Statement (PPS), County Official Plan and Township's Official Plan generally permit lot creation in agricultural areas to dispose of a dwelling surplus to a farming operation as a result of farm consolidation subject to evaluation criteria.

Planning staff is satisfied that a farm consolidation has been achieved in that Gysbers Brother Inc. currently own and operate a number of farm holdings with at least three holdings having additional single detached dwellings. The surplus dwelling located on the lands proposed to be severed was constructed prior to January 1, 1999 and the applicant has advised that the dwelling is structurally sound and is currently occupied by a renter.

Planning staff advise that the lands to be retained will require a zone change to 'Agricultural Only (AO) Zone' to prohibit new residential uses on the remnant farm parcel. The lands to be severed will require a zone change to 'Surplus Dwelling (SD) Zone' to recognize the disposal of the surplus farm dwelling and limit the uses permitted on the lands.

The applicant has advised that they intend to demolish the west drive shed, however the applicant has requested that the north side drive shed be maintained and used for storage purposes. The Township's Chief Building Official has advised planning staff that the building should be removed as it could be used to house livestock. Planning staff recommend a condition be included that the north side building be removed or that the building be made unsuitable to house livestock, to the satisfaction of the Chief Building Official.

Planning staff note that the applicant has proposed an irregular lot configuration for the lands proposed to be severed. Due to the setback of the existing dwelling, planning staff is satisfied that the irregular configuration is appropriate as it keeps an area of approximately 2,300 m<sup>2</sup> of land in agricultural production. Planning staff note that a limited area of land in front of the existing dwelling where lands are currently in agricultural production has been included within the proposed severed lot as a contingency area for a new septic system.

Planning staff is satisfied that the criteria for the severance of a surplus farm dwelling on the lands have been met or can be appropriately addressed via conditions of consent.

### Consultation

The application was circulated to the prescribed agencies, as well as surrounding property owners.

The Township's Chief Building Official advised of the following requirements:

- That the owners provide proof of adequate and potable water supply.
  - That the existing septic system be upgraded to bring the system up to the current Ontario Building Code standards. Municipal records do not contain information on a Use Permit or a Certificate of Approval being issued.
  - That the two sheds be demolished.
  - That the owner confirm that the dwelling is habitable.
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The Township's Drainage Superintendent indicated that there are no municipal drains impacting the proposed severed lands. There are no concerns related to the proposed severance.

The County Engineer indicated that land dedication to 15 m from centerline of construction of County Road 39 (Napperton Drive) for the purposes of road widening of the right of way is required if the road allowance is not already to that width.

As of the date of this report, no comments or concerns have been received from the public regarding the proposal.

### RECOMMENDATION

THAT Application for Consent B13-2017, submitted under Section 53 of the Planning Act, be **GRANTED** subject to conditions.

FURTHER THAT Application for Consent B13-2017 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the Planning Act shall be given within one year of the date of the notice of the decision.
  2. That the Applicants' Solicitor submits an undertaking in a form satisfactory to the Secretary-Treasurer of the Committee of Adjustment to register an electronic transfer of title exactly consistent with the Acknowledgement and Direction executed by the applicants and the decision of the Committee of Adjustment.
  3. That the owner provide road widening dedications to the County of Middlesex of up to 15 metres from the centerline of Napperton Drive (County Road 39) along the frontage of the lands to be severed to the satisfaction of the County Engineer.
  4. That the lands to be severed be re-zoned to 'Surplus Dwelling (SD) Zone' and that the lands to be retained be re-zoned to 'Agriculture Only (AO) Zone'.
  5. That the existing septic system be upgraded to bring the system up to the current Ontario Building Code standards to the satisfaction of the Township's Chief Building Official.
  6. That the existing accessory buildings located on the lands to be severed be made incapable of housing livestock through a change of use permit or be otherwise removed from the lands to the satisfaction of the Township's Chief Building Official.
  7. That an adequate and potable on-site water supply be demonstrated to exist on the land to be severed, to the satisfaction of the Township's Chief Building Official.
  8. That the dwelling unit be deemed to be habitable by the Township's Chief Building Official.
  9. That independent accesses to the lands to be severed and the lands to be retained are provided, to the satisfaction of Township and the County of Middlesex.
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10. That, if necessary, a revised assessment schedule in accordance with the Drainage Act, as amended, be commissioned and paid for by the owners, to the satisfaction of the Township.
11. That the electrical servicing providing connection to the existing single solar panel located on the lands to be retained be wholly contained within the boundaries of the lands to be retained, to the satisfaction of the Township.
12. That the owner enter into a severance agreement with the Township in order to advise future owners of the severed lot of Consent B13-2017 of normal farm practices occurring in the area as outlined in the *Farming and Food Production Protection Act, 1998*, as amended.
13. That any outstanding property taxes for the severed and retained lots of Consent B10-2017 be paid in full.
14. That a preliminary survey showing the lands being severed and the location of all buildings and structures including their setbacks from the property lines and the location of the private water well and septic system be submitted to the satisfaction of the Township prior to being deposited at the Land Registry Office.
15. That two copies of the reference plan are submitted to the satisfaction of the Township.

### Reasons

Consistency with the Provincial Policy Statement would be maintained;  
Conformity with the County of Middlesex Official Plan would be maintained;  
Conformity with the Township of Adelaide Metcalfe Official Plan would be maintained; and  
Subject to Condition 4, the requirements of the Township of Adelaide Metcalfe Zoning By-law would be satisfied.