



# CONSENT AND ZONING BY-LAW AMENDMENT APPLICATIONS SUBMISSION

**DATE** October 7, 2024

**TO** Yael Inglis, Planning Administrative Assistant

**FROM** Thorstone Consulting Services

**EMAIL** dan@thorstoneconsulting.ca

**4832 CONCESSION ROAD 4, TOWNSHIP OF ADJALA-TOSORONTIO  
(ESLYN AND SABRINA SPENCE)**

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## 1.0 INTRODUCTION

Thorstone Consulting Services has been retained by the owners of the above-referenced property to provide planning advice and obtain the necessary planning approvals for the severance of a surplus dwelling unit as part of a farm consolidation. The planning applications include an application for Consent to Sever and an application to amend the Zoning By-law to prohibit residential uses on the farm parcel that will be sold to Quail Farms.

## 2.0 SUBJECT PROPERTY

The subject property is municipally known 4832 Concession Road 4, and is located on the west side of Concession Road 4. The legal description of the subject property is Lot 32, Concession 3. The subject property is approximately 48.6 hectares (120 acres) in area and contains an existing rural residential use and farmland. The subject property was acquired by Eslyn Spence in 1987 and has been used for rural residential and agricultural uses since prior to their purchase. The subject property is currently being farmed by Quail Farms while the property owner lives in the existing dwelling.

## 3.0 PROPOSAL

The proposal is to sever the subject property for a surplus dwelling unit parcel which separates the existing agricultural and rural residential uses. The agricultural parcel will be purchased by Quail Farms as indicated in the attached Letter of Intent. The Quails have a significant farm operation located throughout the larger region and do not require the surplus dwelling unit for their operation. Therefore, it is proposed that the existing residence be severed from the farm as a surplus dwelling unit. The proposed severance is shown on the attached Severance Plans (Figures 4A and 4B). The proposed surplus dwelling parcel will have a lot area of 1 hectare (2.4 acres) and 80 metres (262 feet) of frontage on Concession Road 4. The remainder agricultural parcel will consist of 47.5 hectares (117 acres) and 295 metres (968 feet) of frontage on Concession Road 4. No new driveways will be required for the farm access as the existing south driveway will continue to be used for the agricultural parcel.

## 4.0 LAND USE PLANNING SUMMARY

The subject property is designated and zoned Agricultural in the County of Simcoe Official Plan (2008), Township of Adjala-Tosorontio Official Plan (2000) and the Township of Adjala-Tosorontio Zoning By-law 03-57.

### 4.1 Upper Tier Policies

#### Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) provides policy direction on matters of provincial interest relating to land use planning and development. Decisions affecting planning matters by land use authorities “shall be consistent with” the Provincial Policy Statement issued under the *Planning Act*. Section 2.3.4.1 of the PPS provides the following policy for lot creation in Prime Agricultural Areas:

**c) a residence surplus to a farming operation as a result of farm consolidation, provided that:**

- 1. The new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and**
- 2. 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;**

The proposed severance meets the intent and purpose of the Provincial Policy Statement and with the approval of the Zoning By-law Amendment application, future residential uses are ensured to be prohibited on the farm parcel.

#### County of Simcoe Official Plan (2008)

The County of Simcoe Official Plan designates the subject property as Agriculture on Schedule 5.1. In terms of the proposed severance, the following severance policy from Section 3.6.7 of the County Official Plan applies to the proposed severance:

#### **Section 3.6.7 of the County of Simcoe Official Plan**

**c) a residence surplus to a farming operation as a result of farm consolidation, provided that:**

- 1. The new lot will be limited to a minimum size needed to accommodate the residential use and appropriate sewage and water services, and should be an approximate size of 1 hectare; and,**
- 2. new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. To ensure that no new residential dwellings are permitted on the remnant parcel, municipalities may use approaches such as zoning to prohibit the development of a dwelling unit(s), and/or the municipality may enter into agreements imposed as a condition to the approval of lot creation and the agreements may be registered against the land to which it applies;**

The County of Simcoe Official Plan permits the severance of a surplus dwelling as a result of farm consolidation. The County Official Plan also includes a policy to ensure that new residential dwellings are prohibited on the remnant parcel of farmland which would be addressed through the approval of the concurrent Zoning By-law Amendment application.

The County Official Plan has the following definition for a *residence surplus to a farming operation*:

**An existing farm residence that is rendered surplus as a result of farm consolidation (farm consolidation means the acquisition of additional farm parcels to be operated as one farm operation)**

Although this proposal is a less traditional surplus farm dwelling severance, the farm parcel will be purchased by the Quails who own and farm multiple other agricultural parcels as part of their Quail Farms operation. A Letter of Intent from Quail Farms have been included with this submission. As mentioned earlier, the existing rural residential dwelling is surplus to the Quails' farming operation and therefore is proposing to be separated from the subject property through a severance. Therefore, it is our opinion that the proposed surplus dwelling severance does conform to the purpose and intent of the County of Simcoe Official Plan.

## 4.2 Township of Adjala-Tosorontio Official Plan (2000)

The Township of Adjala-Tosorontio Official Plan designates the subject property as Agricultural on Schedule A-4 (refer to Figure 2). Section 4.2 of the Township Official Plan outlines development policies for the Agricultural, Rural and Rural Residential designations. The following policies are applicable to the proposed surplus dwelling severance:

**4.2.3.6 No lot shall be created which would landlock or restrict full access to lands at the rear of the property.**

**4.2.3.7 Development will comply with the Minimum Distance Separation formula and will have regard for the current Provincial Policy on Agriculture as well as the agricultural policies of the Simcoe County Official Plan.**

The proposed severance boundary has been designed for the south driveway entrance to be contained within the agricultural parcel to be used as a farm access off of Concession Road 4. This ensures that the agricultural lands will be able to operate as is and would not be restricted to access from the public road. An MDS Report was not required to be prepared as there are no livestock barns within 750 metres of the proposed surplus dwelling parcel. A figure providing visual context to identify the 750 metre distance is attached to this submission as Figure 5.

Section 4 of the Township Official Plan outlines policies for the Agricultural designation and specifically, Section 4.3.4 provides specific policies regarding development. The following policies apply to the proposal as follows:

**4.3.4.1 Consent applications for residential or non-farm related purposes will generally not be permitted in the AGRICULTURAL designation, except as follows:**

**a) A retirement lot for a bona fide farmer or the principal of a corporate farm operation;**

- b) *A residence which is surplus to a farming operation as a result of farm consolidation; and*
- c) *Residential infilling in accordance with Section 4.2.5.1.*

**4.3.4.5 The provisions of the Agricultural Code of Practice and Minimum Distance Separation calculations apply to any development in the AGRICULTURAL designation, including a lot for a retiring farmer as noted above.**

The Township of Adjala-Tosorontio Official Plan include policies that allows for the severance of a surplus dwelling as a result of farm consolidation. In the case of the subject property, the severed parcel is to be purchased by Quail Farms in the near future, and therefore the residential dwelling would be considered surplus to the farm operation.

The Township of Adjala-Tosorontio has been undergoing an Official Plan Review since 2017 and a draft of the new Official Plan has been posted with only text and no schedules available for viewing. Therefore, a detailed review of the new draft Official Plan has not been undertaken at this time.

### **4.3 Township of Adjala-Tosorontio Zoning By-law 03-57**

The subject property is currently zoned Agricultural (A) on Schedule A4 to By-law 03-57 (refer to Figure 3). Section 4.2 of the Zoning By-law directs Agricultural zone requirements to Schedule 'B' – Zone Requirements. The proposed severance will reduce the agricultural lands to 47.5 hectares (117 acres) which exceeds the minimum lot area requirement of 36.0 hectares. The agricultural lands would also have a total frontage of 295 metres (968 feet) along Concession Road 4 which exceeds the minimum lot frontage requirement of 60 metres.

The lands on which the surplus dwelling is located is proposed to be 1 hectare (2.47 acres), which meets the maximum lot area requirement as identified on Schedule 'B' – Zone Requirements. The proposed frontage for the surplus dwelling parcel is 80 metres (262.5 feet) whereas the Zoning By-law requires a minimum of 60 metres. The existing dwelling and accessory structure also exceeds the minimum setback requirements and therefore, no site specific provisions are required for the proposed surplus dwelling parcel.

In order to address the policies of the Adjala-Tosorontio Official Plan, the following is proposed as part of the submission:

**Zoning By-law Amendment** – submitted concurrently with the Consent application and to be approved as condition of Provisional Consent, the Zoning Amendment proposes to remove residential use permissions from the agricultural lands to be sold to Quail Farms as part of their farm consolidation.

## **5.0 CONCLUSION**

The proposed severance satisfies the criteria set out under Section 53 of the *Planning Act* for Consent and we have considered Section 51(24) as it relates to the Consent application.

In addition, the proposed Zoning By-law Amendment conforms with the requirements and consideration under Section 34 of the *Planning Act*. Both the proposed Consent and Zoning By-law Amendment applications represent good planning and is in the Public Interest.

In support of the Consent and Zoning By-law Amendment applications, the following documents are included in this submission:

- Signed and executed Consent and Zoning By-law Amendment applications;
- Cheque in the amount of \$2,000.00 for the Consent application fee payable to the Township of Adjala-Tosorontio;
- Cheque in the amount of \$2,500.00 for the minor Zoning By-law Amendment application fee payable to the Township of Adjala-Tosorontio;
- Cheque in the amount of \$1,500.00 for the Minor Cost Acknowledgement fee;
- Letter of Intent from Quail Farms dated August 20, 2024; and,
- Severance Plan and mapping figures prepared by Thorstone Consulting Services Inc.

It is our understanding that the required \$1,500.00 Minor Cost Acknowledgement is a deposit which is held by the Township to cover any costs incurred as a result of the review of these applications. We understand that this would possibly include potential peer reviews by outside consultants and would ask that we be given a notice in advance of the deposit being used.

We look forward to the Committee of Adjustment's consideration of the Consent application and Council's consideration of the Zoning By-law Amendment application. Please don't hesitate to contact me if you require additional information.

## **THORSTONE CONSULTING SERVICES, INC.**



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copy: Eslyn and Sabrina Spence, property owners

Bob Marrs