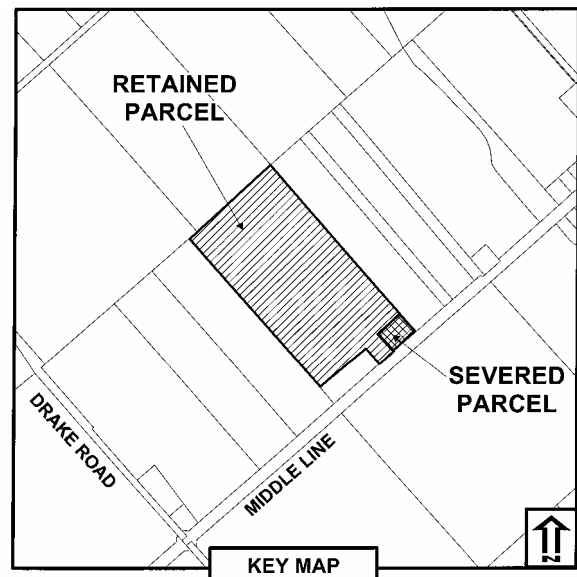


TO: Mayor and Members of Council
FROM: Storey Samways Planning Ltd.
DATE: August 5, 2008
SUBJECT: Planning Services Report

**GENERAL FILE INFORMATION AND
KEY MAP:**

Application: Combined Consent (File B-65/08) and Zoning By-law Amendment (File D-28 RA/57/08/G)
Hansen#: 4902
Applicants: Gregory Scott Guy & Kelly Lynn Russell-Guy
Location: 6467 Middle Line
Part of Lot 8, Concession 11
Roll Number: 3650 110 007 05900
Community: Raleigh (South Kent)



RECOMMENDATIONS:

It is recommended that:

1. Council approve consent application B-65/08 concerning Part of Lot 8, Concession 11, in the Community of Raleigh, to dispose of a surplus dwelling (6467 Middle Line) on a 1.73 acre lot, subject to the following conditions:
 - a) that the zoning by-law be amended to:
 - i) rezone the surplus dwelling lot to recognize the non-farm use, lot frontage and lot area;
 - ii) rezone the retained farm parcel to recognize the reduced lot frontage and prohibit future dwellings;

- b) that the applicant(s) pay \$85 for the cost associated with the apportionment of assessments under the Drainage Act related to the subject lands;
 - c) that the applicant(s) demonstrate that the septic system on the severed lot is functioning in accordance with Municipal Protocol;
 - d) that the retained farmland be conveyed to Gregory Scott Guy & Kelly Lynn Russell-Guy, as outlined in the Agreement of Purchase and Sale;
 - e) that the necessary deed(s), transfers or charges be submitted in triplicate; signed and fully executed (no photo copies) prior to certification.
2. Council approve the zoning amendment application D-28 RA/57/08/G and adopt the by-law to implement the consent.

DESCRIPTION OF PROPOSAL:

The subject land is a 54 acre± farm parcel located on the north side of Middle Line, just west of A.D. Shadd Road. The parcel contains an existing one-storey dwelling that is surplus to the prospective purchasers' farming operation. Therefore, it has been proposed to sever the dwelling on a 1.73 acre parcel. The prospective purchasers farm an additional 150 acres in the surrounding area, with their base of operations and personal residence located at 6308 Middle Line; just south of the subject property.

It is recommended that the surplus dwelling lot be rezoned to recognize the non-farm use and its reduced lot frontage and lot area. It is also recommended that the retained farmland be rezoned to recognize the reduced lot frontage and that any new permanent dwellings be prohibited; according to the requirements of Official Plan Amendment 100 and the Provincial Policy Statement with respect to the creation of a lot for a surplus dwelling.

BACKGROUND:

Severed Lot (surplus dwelling)	Dimensions – 313’F x 240’D Area – 1.73 acres Existing Use - single detached dwelling Services - private septic system and municipal water Access - existing driveway
Retained Farm Parcel	Frontage – 182.56’ Area – 52 acres± Existing Use – farmland Access – existing farm access
Official Plan	Agricultural
Existing Zoning	“A-23, Agricultural”

CONSULTATION:

At the time of writing, no unfavourable comments have been received from any of the agencies canvassed and the Technical Advisory Committee (TAC) supports the application.

ANALYSIS:

Community Strategic Plan

The recommendations in this report do not support, negatively or positively, a specific objective of the Community Strategic Plan. It is a neutral issue.

Provincial Policy Statement

Section 2.3.4.1(c) permits, “a residence surplus to a farming operation as a result of farm consolidation,” to be severed, “provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.” The application is consistent with the PPS definition of surplus dwelling and future dwellings will be prohibited on the retained farm parcel through the amending by-law.

Official Plan

Official Plan Amendment 100 (Agricultural Consent Policies), supports consents to sever a lot where a previous or current farm acquisition has rendered a habitable farm dwelling surplus to the needs of the farm operation under Policy 4.1 ii), subject to the following conditions:

- a) the farm parcel shall be zoned so as to prohibit the construction of any additional dwellings.

Comment - this is recommended as a condition of the consent.

- b) the non-farm parcel shall be zoned to recognize the non-farm residential use.

Comment - this is also recommended as a condition of the consent.

- c) any livestock facilities to remain on the severed or retained parcel shall be made unsuitable for further livestock operations if the MDS I provisions cannot be met.

Comment - the application complies with MDS I.

- d) the implementing zoning by-law shall not impose a setback on nearby expanding livestock operations greater than that required by the application of Minimum Distance Separation II Formula including the MDS Guidelines.

Comment - the application has indicated that there are no livestock operations within 500 metres and there was none apparent during the site inspection of the property.

Zoning By-law

Special provisions within the existing "A, Agricultural" zone recognize the non-farm use, lot area and lot frontage of the severed lot. The existing "A, Agricultural" zone on the farm is amended to recognize the reduced lot frontage and prohibit future dwellings; as per the requirements of OPA 100 and the PPS.

Conclusion

On the basis of the foregoing, I support these applications.

FINANCIAL IMPLICATIONS:

There is a nominal change in property taxes anticipated as a result of this application.

Prepared by:

Reviewed by:

Robert Brown, MCIP, RPP
Storey Samways Planning Ltd.

Ralph Pugliese, MCIP, RPP, DPA
Director, Planning Services

Reviewed by:

Reviewed by:

Evelyn Bish, B.A.
Acting General Manager
Community & Development Services

C. D. Weldon
Chief Administrative Officer



Looking northwest at the parcel to be severed



Looking northwest at the retained farmland



Looking northwest at the parcel to be severed and the retained farmland

