

TO: Mayor and Members of Council
FROM: Storey Samways Planning Ltd.
DATE: August 14, 2008
SUBJECT: Planning Services Report

**GENERAL FILE INFORMATION AND
KEY MAP:**

Application: Combined Consent
(File B-62/08) and Zoning
By-law Amendment
(File D-28 HO/54/08/S)

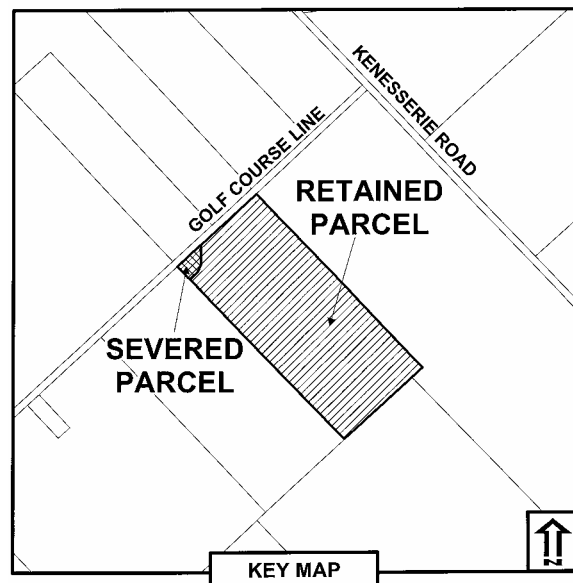
Hansen#: 4897

Applicant: Edward Lawrence Scott

Location: 13654 Golf Course Line
Lot 17, Concession 11

Roll Number: 3650 210 003 42400

Community: Howard (East Kent)



RECOMMENDATIONS:

It is recommended that:

1. Council approve consent application B-62/08 concerning Lot 17, Concession 11, in the Community of Howard, to dispose of a surplus dwelling on a 0.82 acre parcel located at 13654 Golf Course Line, subject to the following conditions:
 - a) that the zoning by-law be amended to:
 - i) rezone the surplus dwelling lot to rural residential;
 - ii) prohibit future dwellings on the retained farm parcel;
 - b) that the applicant(s) demonstrate that the septic system on the surplus dwelling lot is functioning in accordance with Municipal Protocol;

- c) that the applicant(s) pay \$85 for the cost associated with the apportionment of assessments under the Drainage Act related to the subject lands;
 - d) that the necessary deed, 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 HO/54/08/S and adopt the by-law to implement the consent.

DESCRIPTION OF PROPOSAL:

The subject land is a 50 acre farm parcel located on the south side of Golf Course Line, just west of Kenesserie Road, and contains a dwelling and an outbuilding which are deemed to be surplus to the applicant’s farming operation. The applicant farms approximately 150 additional acres in the area, with the base of the farming operation located at 14322 Scott Line. The applicant is proposing to sever the dwelling and the outbuilding on a 0.82 acre parcel. It will be recommended that the surplus dwelling lot be rezoned to recognize the rural residential use, and that any new permanent dwellings be prohibited on the retained parcel.

The purpose of the zoning application is to implement the severance, according to the requirements of the Provincial Policy Statement and Official Plan Amendment 100 with respect to the creation of a lot for a surplus dwelling.

BACKGROUND:

Surplus Dwelling Lot (13654 Golf Course Line)	Dimensions – 286.35’F x irregular depth Lot Area – 0.82 acres Existing Use/Buildings - single detached dwelling & one outbuilding Servicing - private water well & septic system Access - existing driveway
Retained Farm	Dimensions – 724.35F x irregular depth Lot Area – 49.18 Existing Use/Buildings - farmland Access - existing access
Official Plan	Agricultural
Existing Zoning	“A2, 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 applicant owns other farm holdings in the immediate area with the base of operation and personal residence located at 14322 Scott Line. Therefore, the application is *consistent with* the PPS definition of *surplus dwelling*. 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 - it is recommended that the lot be rezoned to “R2, Rural Residential” 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 can not 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 applicant has indicated that there is a livestock operation within 500 metres. The dwelling on the severed parcel is existing and would already be a limiting factor to the expansion of the neighbouring livestock operation. The severance of the dwelling does not change this in any way as the distance calculations for MDS II are taken from the nearest neighbours dwelling and not the new lot lines. AS such the proposed severance will not impose a setback on nearby expanding livestock operations greater than required by MDS II presently.

Zoning By-law

The surplus dwelling lot is rezoned to a standard "R2, Rural Residential" classification which provides the standard regulations as the proposed use and dimensions meet the by-law requirements. The "no-dwelling" provision is applied to the retained farm parcel as required by OPA 100 and 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:

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Reviewed by:

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

Reviewed by:

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

Reviewed by:

C.D. Weldon
Chief Administrative Officer



Looking southeast at the existing dwelling and outbuilding on the proposed severed parcel



Looking southwest along Golf Course Line at the proposed severed parcel



Looking southeast over the retained farm parcel

