

**TO:** Mayor and Members of Council  
**FROM:** Storey Samways Planning Ltd.  
**DATE:** August 13, 2008  
**SUBJECT:** Planning Services Report

**GENERAL FILE INFORMATION AND  
KEY MAP:**

**Application:** Combined Consent (File B-63/08) and Zoning By-law Amendment (File D-28 ZO/55/08/S)

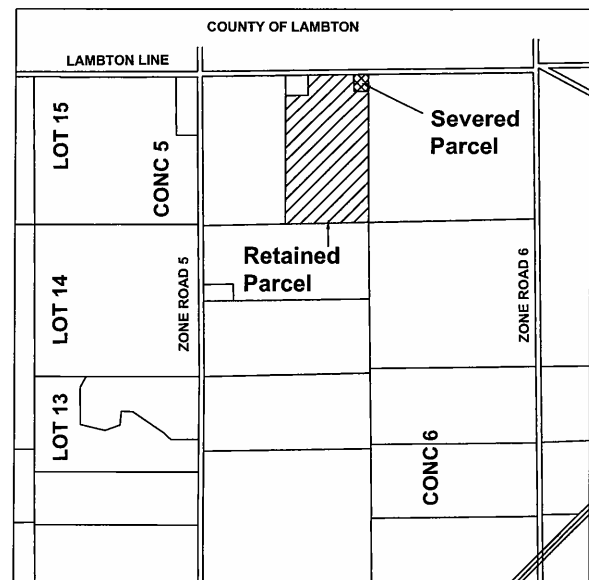
**Hansen#:** 4898

**Applicant:** Shane Sloan

**Location:** 7303 Lambton Line  
Part of Lot 15,  
Concession 6

**Roll Number:** 3650 310 002 15800

**Community:** Zone (East Kent)



**KEY  
MAP**

**RECOMMENDATIONS:**

It is recommended that:

1. Council approve consent application B-63/08 concerning Part of Lot 15, Concession 6, in the Community of Zone, to dispose of a surplus dwelling (7303 Lambton Line) subject to the following conditions:
  - a) that the zoning by-law be amended to:
    - i) rezone the surplus dwelling lot to an appropriate rural residential classification;

- ii) rezone the retained farm parcel to recognize the reduced lot area 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 necessary deed(s), transfer 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 ZO/55/08/S and adopt the by-law to implement the consent.

**DESCRIPTION OF PROPOSAL:**

The subject land is a 48.2 acre± farm parcel located on the south side of Lambton Line, just east of Zone Road 5. The applicant would like to sever a 1.00 acre parcel which contains a house that is surplus to his farming operation. The applicant owns an additional 145 acres in the area and jointly operates another 570 acres through his partnership with other family members. The base of operations is located at 30740 Zone Road 8 and the personal residence is located at 7303 Lambton Line.

The purpose of the Zoning By-law Amendment 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	Dimensions – 195.34’F x 223’D Lot Area – 1.00 acres Existing Buildings - single detached dwelling Services - private water well & septic system Access - existing driveway
Retained Farmland	Frontage – 613.97’ Area – 48.2 acres± Existing Use - farmland Access – existing farm access
Official Plan	Agricultural
Existing Zoning	“A2, General 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) of the new Provincial Policy Statement 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 a residence surplus to a farming operation 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 parcels 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 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 no livestock operations within 500 metres of the subject parcel and none were evident upon site inspection.

### *Zoning By-law*

An amendment is required to recognize the rural residential use of the surplus dwelling lot and as required by the PPS and OPA 100, dwellings on the retained farm will be prohibited by a special provision in the proposed zoning by-law. The reduced lot area of the retained farm parcel will also be recognized in the amending by-law.

### *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:

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Robert Brown, MCIP, RPP  
Storey Samways Planning Ltd.

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

Reviewed by:

Reviewed by:

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

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C. D. Weldon  
Chief Administrative Officer



Looking southeast at the parcel to be severed



Looking southeast at the parcel to be severed



Looking south at the retained farmland

