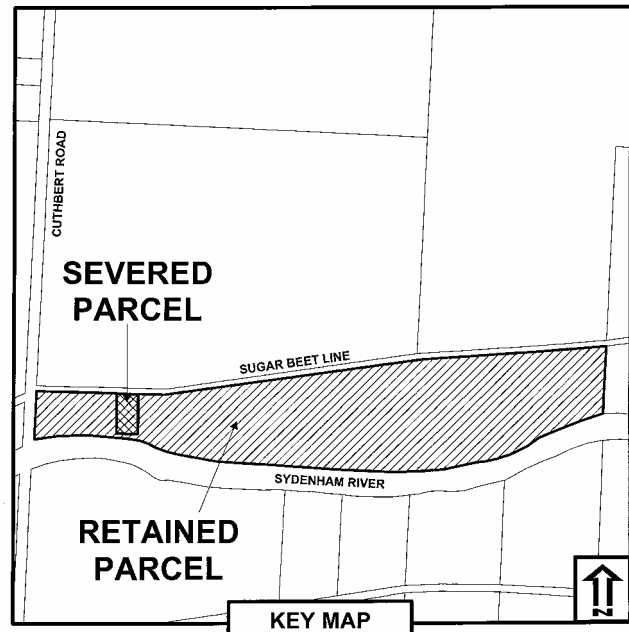


TO: Mayor and Members of Council
FROM: Storey Samways Planning Ltd.
DATE: August 15, 2008
SUBJECT: Planning Services Report

**GENERAL FILE INFORMATION AND
KEY MAP:**

Application: Combined Consent (File B-54/08) and Zoning By-law Amendment (File D-28 CA/49/08/P)
Hansen#: 4813
Applicant: Peaceful Acres Ltd.
Location: 9786 Sugar Beet Line Lot 4, Concession 3
Roll Number: 3650 360 001 08100
Community: Camden (North Kent)



RECOMMENDATIONS:

It is recommended that:

1. Council approve consent application B-54/08 concerning Lot 4, Concession 3, in the Community of Camden, to dispose of a surplus dwelling (9786 Sugar Beet Line) on a 0.96 acre lot, subject to the following conditions:
 - a) that the zoning by-law be amended to:
 - i) rezone the surplus dwelling lot to the appropriate rural residential classification, and recognize the reduced lot area and front yard of the dwelling;
 - ii) recognize the reduced lot area and prohibit the construction of any new

dwellings on the retained farm parcel.

- 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 enter into a registered agreement with the Municipality to provide a temporary water service to the severed parcel at the applicant's expense (as per August 15, 2008 letter, attached as Appendix "A");
 - d) that the applicant(s) demonstrate that the septic system on the severed lot is functioning in accordance with Municipal Protocol;
 - 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 CA/49/08/P and adopt the by-law to implement the consent.

DESCRIPTION OF PROPOSAL:

The subject property is a 36 acre ± farmed parcel containing a dwelling, detached garage and three outbuildings. The applicant wishes to sever the dwelling and detached garage which is deemed to be surplus on 0.96 acre parcel (9786 Sugar Beet Line). The base of the applicant's farm operation and personal dwelling is located at 10099 Sugar Beet Line. It should be noted that as a condition of the consent, it will be recommended that the applicant install a temporary municipal water service, from Cuthbert Road, to the severed dwelling. It will also be recommended that the retained farm parcel be rezoned to recognize the reduced lot area and prohibit future dwellings.

The purpose of the zoning application is to implement the severance, 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 – 145’F x 290’D Area – 0.96 acres Existing Use - single detached dwelling and detached garage Services - private septic system and new connection to temporary water service required Access - existing driveway
Retained Farm Parcel	Frontage – 3481’ ± Area – 33 acres± Existing Use – farmland and three outbuildings Access – existing farm access
Official Plan	Agriculture
Existing Zoning	“A1, Agricultural Zone 1” and “OS2, Open Space Zone 2”

CONSULTATION:

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

Chatham-Kent PUC has commented that a temporary water service agreement be registered between the applicant and PUC (comment attached as Appendix “A”) to replace the private water line currently feeding the proposed surplus dwelling, at the applicant’s expense. It should be noted that the PUC deems this service to be temporary, meaning that should a permanent water line be installed along the frontage of Sugar Beet Line it will be a requirement of the agreement that the temporary line connection be decommissioned, and a new connection to the new permanent line will be mandatory.

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

In accordance with Official Plan requirements, the amending by-law rezones the dwelling lot to a site-specific R1, Residential classification which recognizes the non-farm use, the reduced lot area and the reduced front yard of the dwelling. However, it should be noted, that although the rural residential lot is being removed from the Open Space zoning, development restrictions will continue to exist in that the St. Clair Region Conservation Authority will maintain development controls over the area of the property that lies within their jurisdiction (i.e., flood plain). The amending by-law also recognizes the undersized lot area and prohibits any new dwellings on the retained farm parcel.

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:

Robert Brown, MCIP, RPP
Storey Samways Planning Ltd.

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 south at the existing dwelling and detached garage on the proposed severed lot



Looking southwest at one of the existing outbuildings to remain on the retained farmland

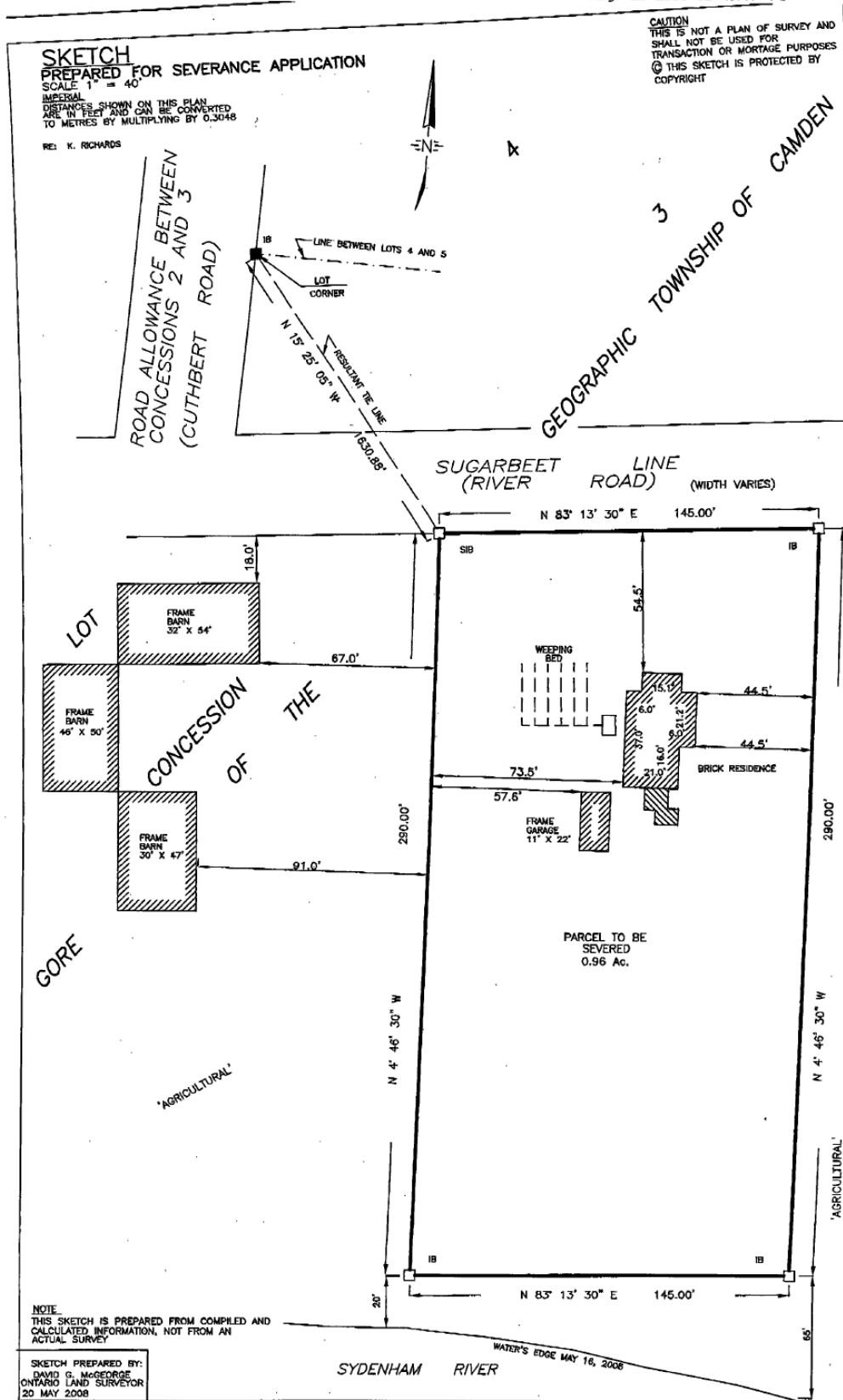


Looking southeast along Sugar Beet Line at the retained farm parcel

FROM : DAVID McGEORGE

FAX NO. : 15193522726

May. 28 2008 02:49PM P1



APPENDIX "A" – PUC COMMENTS

08/15/2008 FRI 10:32 FAX 519 352 3432 CHATHAM-KENT PUC

002/002



PUBLIC UTILITIES COMMISSION
FOR THE MUNICIPALITY OF CHATHAM-KENT

325 GRAND AVENUE EAST • P.O. BOX 1191 • CHATHAM, ONTARIO • N7M 5L8
TELEPHONE: (519) 436-0119 FAX: (519) 352-3432

Chatham-Kent: Celebrating 10 years as a Community of Communities

August 15, 2008

Peaceful Acres Limited
c/o Ken Richards
9786 Sugar Beet Line
RR 3
Dresden ON N0P 1M0

Attention: Mr. Ken Richards

Dear Mr. Richards

RE: 9786 Sugar Beet Line (Community of Camden)

This letter is in response to our meeting on August 14, 2008 regarding the temporary water service installation for above noted address.

The Public Utilities Commission (PUC) has approved a temporary water service to 9786 Sugar Beet Line provided that the following items are met:

- The minimum size for the temporary water service is 2";
- A Temporary Water Service agreement between yourself and the PUC is complete;
- A backflow preventor is installed on the new water service;
- A new water meter will need to be purchased at any of the municipal service centres and installed;
- Robin Dudley, North Area Manager will need to be notified 1 week before any installation work begins on the new service. You can reach Robin at 519-627-1211.
- You will need to contact Rob Bernardi, Manager of Facilities and Systems regarding the proper specifications of the installation. You can reach Rob at 519-436-0119 ext. 306.

Also, as was previously mentioned, a drawing of the location of the new water service will need to be provided to the PUC upon completion of the installation.

Should you have any questions you can contact our office at 519-436-0119.

Sincerely,

Tom Kissner
General Manager, Chatham-Kent PUC

c. Robin Dudley, North Area Manager, PUC
Rob Bernardi, Manager of Facilities and Systems, PUC
Steve Matheson, Director, Legal Services