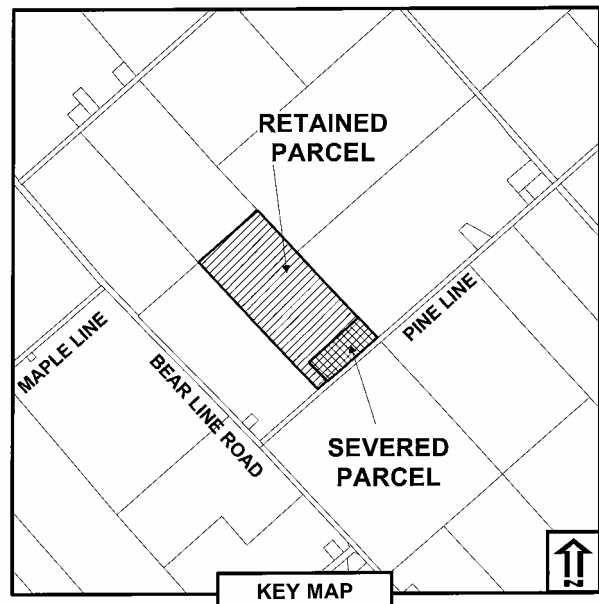


TO: Mayor and Members of Council
FROM: Storey Samways Planning Ltd.
DATE: July 30, 2008
SUBJECT: Planning Services Report

**GENERAL FILE INFORMATION AND
KEY MAP:**

Application: Combined Consent (File B-61/08) and Zoning By-law Amendment (File D-28 DO/52/08/M)
Hansen#: 4883
Applicant: Clifford Marchand
Location: 8091 Pine Line
Part of Lot 20,
Concession 5
Roll Number: 3650 480 004 04800
Community: Dover
(North Kent)



RECOMMENDATIONS:

It is recommended that:

1. Council approve consent application B-61/08 concerning Part of Lot 20, Concession 5, in the Community of Dover, to dispose of a surplus dwelling (8091 Pine Line) and four outbuildings on a 6.603 acre lot, subject to the following conditions:
 - a) that the zoning by-law be amended to:
 - i) rezone the surplus dwelling lot to agricultural residential and recognize the reduced front yard;
 - ii) prohibit future dwellings on the retained farm parcel and recognize its reduced lot area and lot frontage;

- b) that the applicant(s) pay \$85 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;
 - c) that the retained farmland be conveyed to ALO Inc., as outlined in the Agreement of Purchase and Sale;
 - d) 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 DO/52/08/M and adopt the by-law to implement the consent.

DESCRIPTION OF PROPOSAL:

The subject land is a 52.2 acre farm parcel located on the north side of Pine Line, just east of Bear Line Road. The dwelling and four outbuildings on the farm are surplus to the farming operation of the prospective purchaser, who farms an additional 181 acres in the area. The base of operations and personal residence are located at 7442 Grand River Line. The applicant is proposing to sever the dwelling and four outbuildings on a 6.603 acre parcel. There is an open drain that runs through the middle of the proposed severed lot and there is no productive farmland included in the severance.

It is recommended that the surplus dwelling lot be rezoned to agricultural residential and its reduced front yard be recognized. It is also recommended that the reduced lot area and lot frontage of the retained parcel be recognized and that any new permanent dwellings be prohibited on the farm; in accordance with 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:

Surplus Dwelling	Dimensions – 870.97’F x 315’D (along west lot line) Lot Area – 6.603 acres Existing Buildings - single detached dwelling & four outbuildings Services - private septic system & water well Access - existing driveway
Retained Farmland	Frontage – 81.35 ft. Area – 45.6 acres± Existing Use – farmland Access – existing farm 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.

The applicant’s sketch indicated that there is a Union Gas easement along the easterly lot line of the severed and retained parcels. Union Gas was circulated as part of the consultation process and did not indicate any concerns with this 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 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 - there are no facilities that house livestock on the subject property.

- 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 of the dwelling and this was confirmed during a site visit.

Zoning By-law

As noted above, an amendment is required to rezone the surplus dwelling lot to agricultural residential and recognize its reduced front yard. A rezoning is also required in order to recognize the reduced lot area and lot frontage of the retained parcel. As required by the PPS and OPA 100, dwellings on the retained farm will be prohibited.

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 north at the parcel to be severed



Looking northwest at the parcel to be severed



Looking northwest at the parcel to be severed



Looking northwest at the retained farmland

