

TO: Mayor and Members of Council

FROM: Storey Samways Planning Ltd.

DATE: April 18, 2013

SUBJECT: Planning Services Report

GENERAL FILE INFORMATION AND KEY MAP:

Applications: Zoning By-law Amendment
(File D-14 OR/06/13/O & D-14 OR/07/13/N)

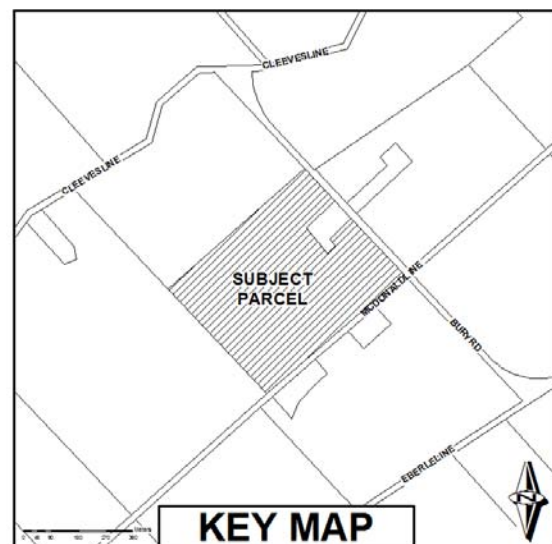
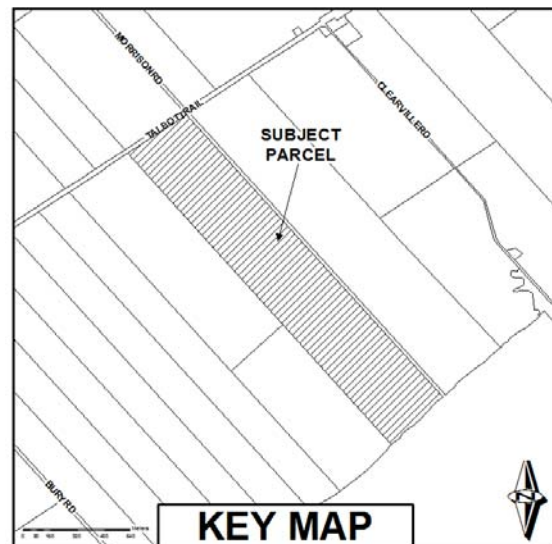
Hansen#: 7916 & 7918

Applicants: 1058573 Ontario Ltd. & Lars & Asta Natvik

Locations: Bury Road & Talbot Trail
Part of Lot 62
South Talbot Road & Part of Lot 6, Concession 2

Roll Numbers: 3650 260 004 11900 & 3650 260 005 03200

Community: Orford (East Kent)



RECOMMENDATION:

It is recommended that Council:

- a) approve zoning amendment application D-14 OR/06/13/O to rezone lands located on the south side of Talbot Trail, in Part of Lot 62, South Talbot Road, in the Community of Orford, to rezone the lands from Agricultural, "(A1)" to Agricultural, "(A1-1)" to prohibit the construction of a dwelling accessory to an agricultural use.
- b) approve zoning amendment application D-14 OR/07/13/N to rezone lands located on the west side of Bury Road, in Part of Lot 6, Concession 2, in the Community of Orford, to rezone the lands from Agricultural, "(A1-1)" to Agricultural, "(A1)" to permit a single detached dwelling accessory to an agricultural use.

DESCRIPTION OF PROPOSAL:

The subject lands consist of two parcels: a 25.9 ha (64 ac.) vacant farm lot on Bury Road and a 93 ha (230 ac.) farm parcel containing three wind turbines on Talbot Trail. The Bury Road property was the subject of a surplus dwelling severance in 2001 which required that the zoning be amended to prohibit future dwellings on what was the retained parcel at that time. The applicants are requesting that this zoning be amended to permit a new dwelling in exchange for the rezoning of the larger Talbot Trail property to prohibit future dwellings.

The applicants are seeking the rezoning in order to permit a new dwelling on the Bury Road property in part because it is located near other family in the immediate area and they would prefer not to locate a new dwelling on the Talbot Trail property due to the presence of three wind turbines.

BACKGROUND:

Talbot Trail Property	Area – 93 ha (230 ac.) Existing Use – vacant farmland Proposed Use – same Services – n/a Access – existing farm access
Bury Road Property	Area – 25.9 ha (64 ac.) Existing Use – vacant farmland Proposed Use – farm land with future dwelling Services – n/a Access – existing farm access
Surrounding Land Uses	Agricultural and/or rural residential on all sides
Official Plan	Agricultural Area
Existing Zoning	Agricultural, “(A1)” & Agricultural, “(A1-1)”

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:

Council Strategic Directions

The recommendations in this report support the following Council Directions:

- Healthy, Active Citizens
- Growth Through Variety of Post-Secondary Institutions
- High Quality Environment Through Innovation
- Destination Chatham-Kent!
- Magnet for Sustainable Growth
- Prosperous and Thriving Community
- Has the potential to support **all** Council Directions
- Neutral issues (does not support negatively or positively)

Provincial Policy Statement (PPS)

Section 2.3.4.1(b) outlines that, “Lot creation in prime agricultural areas is discouraged and may only be permitted for a residence surplus to a farming operation as a result of farm consolidation, provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective.”

Comment: The dwelling on the Bury Road farm parcel was severed as surplus in 2001 and the remnant parcel rezoned to prohibit dwellings in accordance with the PPS. Therefore, in order to consider rezoning the Bury Road parcel to permit a new residential dwelling there must be justification in order to maintain the intent of this policy. For the subject lands the proposed zoning exchange should reduce the potential for incompatibility between a future residential use and the existing wind turbine development on and near the Talbot Trail property. The proposed rezoning also helps to maintain the integrity of the Talbot Trail property as a larger, flatter block of farmland for agricultural purposes. The Bury Road property is a rolling, smaller parcel with less than half of the total acres even workable farmland.

The suggested course of action in this case is to transfer the zoning from the Bury Road parcel to the larger Talbot Trail property. This course of action does not lead to additional residential development in the agricultural area. Therefore the intent and purpose PPS is maintained.

Chatham-Kent Official Plan

The subject parcel is designated Agricultural Area under the Chatham-Kent Official Plan. The Official Plan policies for a surplus dwelling are much the same as outlined under PPS and the same comments as noted under the PPS section of this report apply here as well.

Zoning By-law

The current zoning on the Bury Road property is Agricultural, “(A1-1)”. The amended zoning will rezone the farm parcel back to the standard Agricultural, “(A1)” which will in turn permit a single detached dwelling. The Talbot Trail farm parcel will be rezoned to prohibit future dwellings.

Factors that must be taken into consideration when a zoning request to permit a new dwelling is done, is what impact that may have on existing livestock facilities in the area and can a new dwelling on the Bury Road property comply with the requires of MDS I. There is an existing livestock facility approximately 600 m (1,968 ft.) to the southeast of the Bury Road property. Expansion would not be impacted by a new dwelling on the Bury Road property as there is an existing dwelling located closer to the facility at

present that already affects any proposed future expansion. A new dwelling would also be able to meet MDS I requirements from the facility.

Conclusion

The proposed zoning amendments has been reviewed in the context of the Provincial Policy Statement, the Official Plan and Zoning By-law and will be in full conformity, upon the recommended approval of the amendment.

FINANCIAL IMPLICATIONS:

There will be an increase in assessment as a result of this application.

Prepared by:

Reviewed by:

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Storey Samways Planning Ltd.

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Senior Planner, Planning Services



Looking south across the Talbot Trail property to be rezoned to prohibit future dwellings



Looking west across the Bury Road property, the lands to be rezoned to permit a dwelling