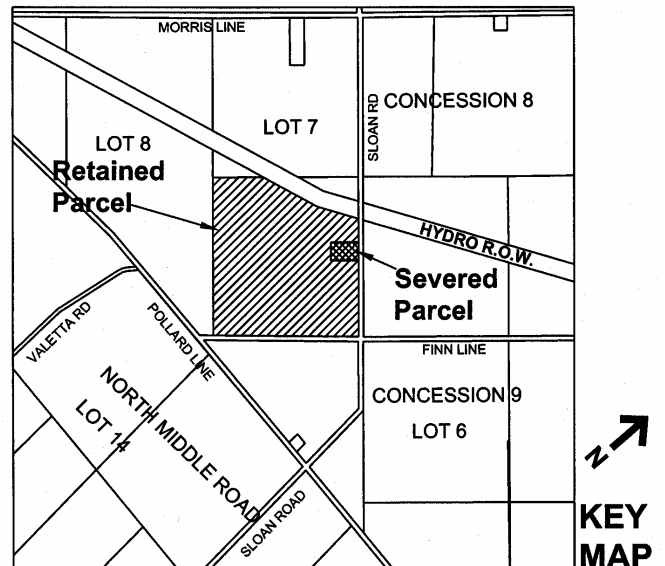


TO: Mayor and Members of Council
FROM: Storey Samways Planning Ltd.
DATE: January 7, 2008
SUBJECT: Planning Services Report

GENERAL FILE INFORMATION AND KEY MAP:

Application: Combined Consent (File B-114/07) and Zoning By-law Amendment (File D-28 TE/85/07/M)
Hansen#: 4358
Applicant: David & Mary Lynn McGuire
Location: 22542 Sloan Road
Part of Lot 7,
Concession 8
Roll Number: 3650 060 002 17800
Community: Tilbury East (West Kent)



RECOMMENDATIONS:

It is recommended that:

1. Council approve consent application B-114/07 concerning Part of Lot 7, Concession 8, in the Community of Tilbury East, to dispose of a surplus dwelling (22542 Sloan Road), subject to the following conditions:
 - a) that the zoning by-law be amended to:
 - i) recognize the non-farm use, lot area and lot frontage of the rural residential lot;

- ii) prohibit new dwellings on the retained farm parcel and recognize the reduced setback of the Kruger Wind Farm interconnection switching station;
 - 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), transfers or charges be submitted in triplicate; signed and fully executed (no photocopies) prior to certification;
 - d) that the applicant(s) demonstrate that the septic system is functioning in accordance with Municipal Protocol.
2. Council approve the zoning amendment application D-28 TE/85/07/M and adopt the by-law to implement the consent.

DESCRIPTION OF PROPOSAL:

The subject land is a 93 acre farm parcel located in the northwest corner of the intersection of Finn Line and Sloan Road, in the Community of Tilbury East. The property owner has submitted a request to sever an existing dwelling on a 2.2 acre lot that is surplus to the farm operation. The applicant farms a total of 346 acres including the subject parcel. The base of the farm operation with an existing dwelling is located on a 152 acre parcel at 4615 Morris Line.

The property is also the location of the interconnection switching station which links the Kruger Wind Farm with the Hydro One system. This station was sited on the property in accordance with the wind farm by-law requirements, approved by Council in 2007, for an on-site receptor (a dwelling located on the same property as a wind turbine or accessory equipment). The severance of the dwelling would require that setback to increase from 250 metres to 300 metres therefore the amending by-law will also need to include a provision to recognize the existing setback (213 metres) of the switching station from the dwelling on the proposed lot.

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

BACKGROUND:

Severed Lot (surplus dwelling)	Dimensions - 255'F x 381'D Area – 2.2 acres Existing Use/Building - single detached dwelling, carport, barn & steel grain bin Services - private septic system and municipal water Access - existing driveway
Retained Farm Lot	Frontage – 1361.5 ft. Area - 91 acres ± Existing Use - farmland & wind farm interconnection switching station Access - existing farm access
Official Plan	Agricultural
Existing Zoning	“A, “WF”, General Agricultural” (“WF” – permits wind turbines)

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.

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 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) approved by Council, 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 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 are no livestock operations within 500 metres and there were none apparent during the site inspection of the property.

Zoning

It is required that the non-farm use, lot area and lot frontage of the proposed lot be recognized. As required by OPA 100 and PPS future dwellings on the retained parcel will be prohibited. Each of these requirements is accomplished by adding special provisions to the existing "A, General Agricultural" zone. It should be noted that the zoning on the subject parcel includes the prefix "WF" which permits a wind turbine and/or accessory structures. In this particular case the retained farm parcel will contain the interconnect switching station for the Kruger Wind Farm. The switching station was constructed based on the on-site receptor requirement on 250 metres however with the severance of the dwelling that setback would increase to 300 metres. Since both the dwelling and switching station already exist the by-law will recognize the existing reduced setback of the switching station at 213 metres.

Conclusion

On the basis of the foregoing, the applications are supported.

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

Gerry Wolting, B. Math, CA
Acting Chief Administrative Officer



Looking west at the outbuildings on the proposed severed lot



Looking west at the existing dwelling on the proposed severed lot

