

STAFF REPORT PUBLIC MEETING OF PLANNING

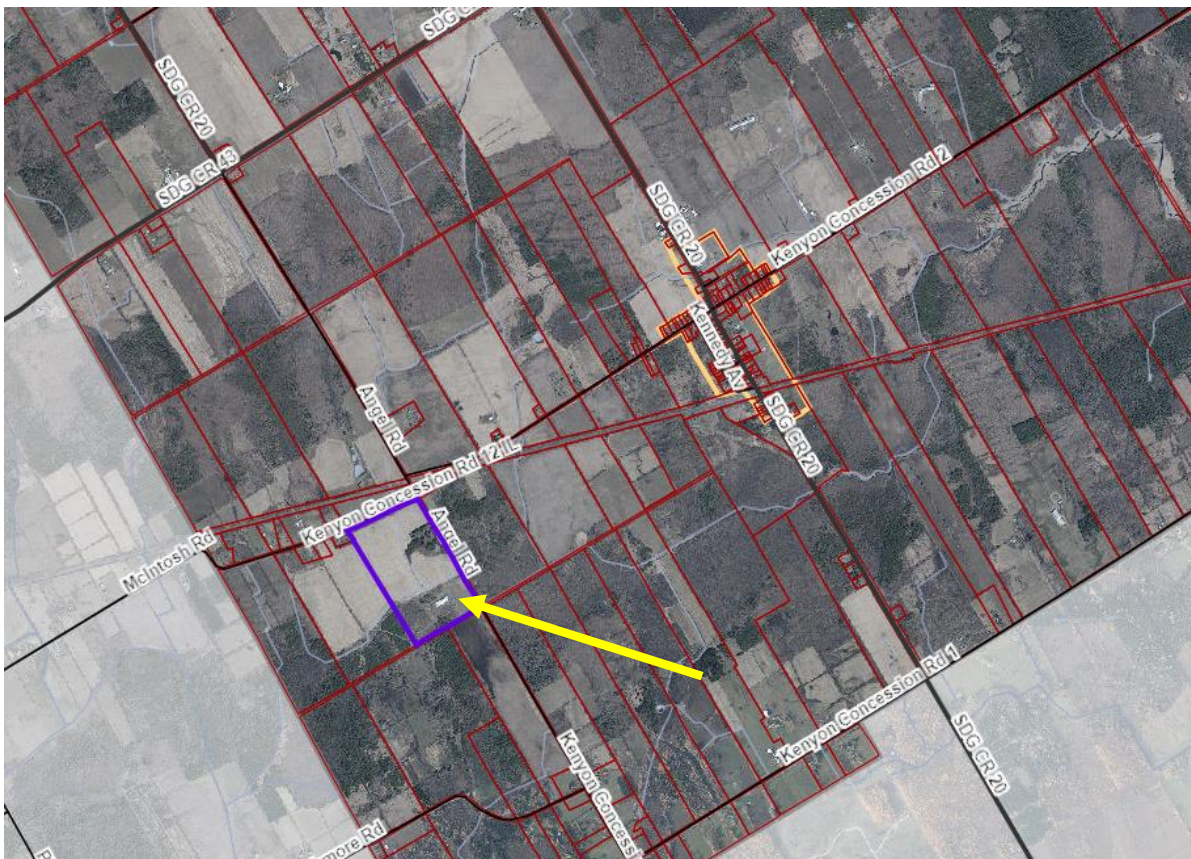
September 25, 2023

TO: Mayor and Council Members

FROM: Jacob Rheaume, Director of Building, By-law & Planning

RE: Zoning By-law Amendment No. Z-15-2023

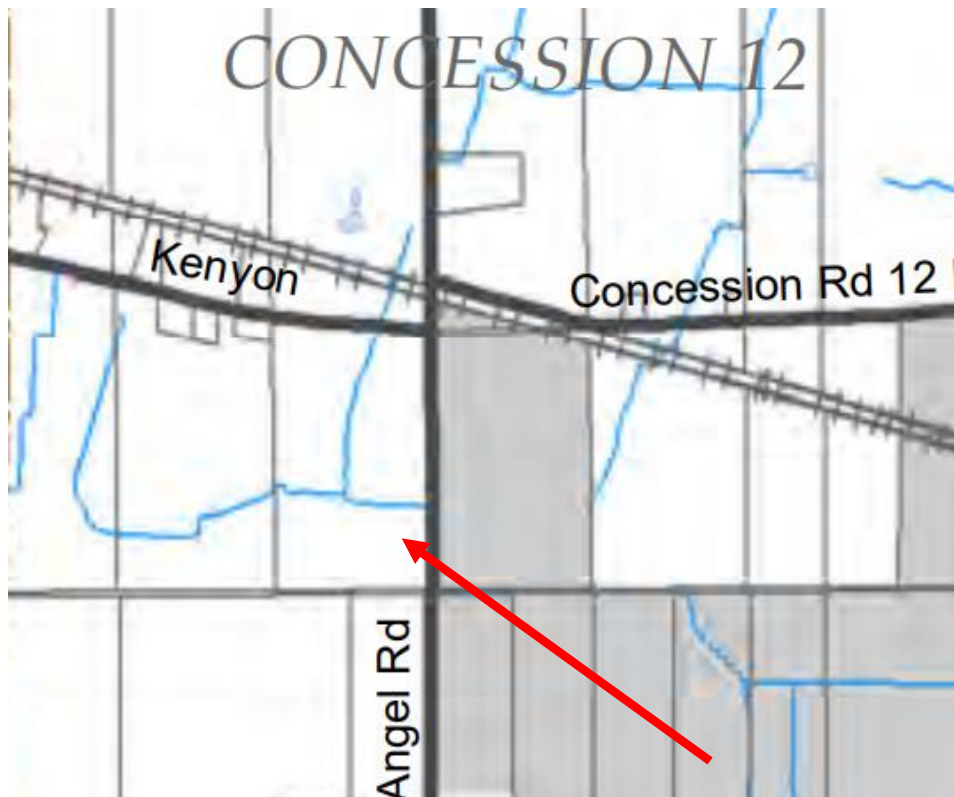
Owner: Richard Paul BURTON & Nicole Fleurette DECAIRE
3744 Angel Road, Apple Hill, ON, K0C 1B0







Official Plan designation: Agricultural Resource Lands



Zoning designation: General Agricultural (AG)



Purpose of application: To re-zone both the severed and retained portions subject to Consent Application B-81-23 condition No. 3 & 4 as follows;

The **retained** portion of the property (58.82 acres) from General Agricultural (AG) to General Agricultural Special Exception (AG-236) to:

- acknowledge the deficiency in lot area from the required 74 acres to the proposed 58.82 acres and;
- prohibit residential development and;

The **severed** portion of the property (4.95 acres) from General Agricultural (AG) to General Agricultural Special Exception (AG-237) to:

- prohibit agricultural uses.

Discussion: The subject land area is approximately 63.77 acres. The applicant received conditional approval from the United Counties of Stormont Dundas & Glengarry on August 8, 2023, to sever approximately 4.95 acres of land deemed surplus to the needs of the farming operation.



The newly created property lines will be created in accordance with the Zoning By-law requirements for both the retained and the severed portions, except for the lot area of the retained portion that will be less than the minimum required 74 acres, the severance can still be deemed as a surplus dwelling consent application as per the Planning Act. The new proposed property lines are proposed to be in such a location to keep the area to a minimum to accommodate the residential use for the dwelling, septic, well and all accessory buildings, and is created to follow the natural features of the lands.

There are currently three entrances on the property, two for the residential portion with the assigned civic number 3744, which will remain. There is an entrance for the dwelling and another entrance, also off Angel Road for the accessory storage buildings. An existing entrance is also to remain for the agricultural portion, located East of the existing livestock facility, with the assigned civic number 3794 Angel Road. No new entrances are proposed.

The owner does not have to apply for a change-of-use permit for any buildings as the ones being kept on the residential portion are already constructed and used for residential purposes. Prior to clearing all the conditions, the Chief Building Official will go on site to ensure no other structures are creating a health and safety hazard for the public and future owners, such as sheds, other old buildings, etc.

The surrounding official plan designation is Agricultural Resource Lands for all adjacent and neighboring properties except for a few on the East side being designated as Rural District, as you get closer to Apple Hill.

The surrounding zoning is General Agricultural (AG) for all adjacent and neighboring properties except for one Rural Residential property on the West side.

The surrounding uses includes mostly agricultural cash crop/fields and livestock facilities, with some rural residential properties.

We have received a comment from RRCA as there is a mapped watercourse on and within 15m of the subject lot. Alterations to the watercourse including but not limited to shoreline restoration, crossings, bridges, culverts, channelization, channel closures, realignment and cleanouts shall require permission from the Raisin Region Conservation Authority, as per O. Reg. 175/06.

No other agencies, Township departments or members of public expressed concerns or provided any comments regarding this Zoning By-law Amendment.



Provincial Policy Statement (2020)

According to the Provincial Policy Statement (2020) lot creation in prime agricultural areas is discouraged and may only be permitted in certain circumstances. A residence surplus to a farming operation is the most common reason and is applicable to this application provided that:

The new lot will be limited to a minimum size needed to accommodate the use, accessory uses, and appropriate sanitary sewage and water services, and the planning authority ensures that new residential dwellings are prohibited on any remnant parcel or farmland created by the severance.

SDG Counties Official Plan (2018)

The SDG Counties Official Plan Policy (8.12.13.3(7)) permits lot creation in agricultural lands for a residence surplus to a farming operation if the new lot will be limited to a minimum size needed to accommodate the use, accessory uses, and appropriate sanitary sewage and water services, and the municipality prohibits further dwellings (residential development) on the vacant retained lands created by the subject consent.

In conclusion, based on the criteria above, the proposed zoning amendment conforms to the relevant policies of the United Counties of Stormont Dundas and Glengarry's Official Plan, it is consistent with Provincial Policy Statement and compliant with the Township of North Glengarry Zoning By-law No. 39-2000.