



Subject: *Gail Sloane & Peter MacDougall Proposed MPS & LUB Mapping Amendments*
To: CAO for Planning Advisory Committee, December 8, 2020
Date Prepared: November 30, 2020
Related Motions: None
Prepared by: Rachel Gilbert, Manager of Planning
Approved by: John Woodford, Director of Planning and Development

Summary

The Municipality has received an application from Gail Sloane and Peter MacDougall to amend the designation and zone on three properties from Agricultural Reserve (AR) to Rural Use (RU). They are selling their property and the Agricultural Reserve (AR) Zone would not allow the buyer to build a non-farm dwelling.

Financial Impact Statement

There is no immediate financial impact from the recommendations in this report. A financial impact analysis will be completed as part of the review for this application.

Recommendation

That Planning Advisory Committee recommend that Council authorize staff to schedule a public information meeting.

Recommended Motion

Planning Advisory Committee recommend that Council:

- *authorize staff to schedule a public information meeting to consider the proposal from Gail Sloane and Peter MacDougall to change the designation and zone of 3 properties on Barr Settlement Road from Agricultural Reserve (AR) to Rural Use (RU).*

Alternative Motion

Planning Advisory Committee recommend that Council:

- *authorize staff to schedule a public information meeting to consider the proposal from Gail Sloane and Peter MacDougall to change the designation and zone of 3 properties on Barr Settlement Road from Agricultural Reserve (AR) to Rural Use (RU); and*
- *Direct staff to consult with the Agricultural Advisory Committee.*

Background

Planning staff received an application from Gail Sloane and Peter MacDougall to amend the designation and zone on 3 properties on Barr Settlement Road. The applicants are selling their property and the potential buyer contacted the municipality to talk about their plans for the property which is to build a non-farm dwelling. The Agricultural Reserve (AR) Zone does not enable non-farm dwellings. In addition to the applicants property, the request also includes removing the AR designation and zone on two other adjacent properties. A letter will be submitted confirming that the owner of the other two properties consent to the proposal moving forward. The applicants suggest that two of the properties may be amalgamated through the subdivision process, including a small sliver of land from the large parcel to sell to the potential buyer as one property.

The Agricultural Reserve Designation and Zone was applied to these 3 properties during the 2016 Plan Review. At that time, planning staff reviewed our own aerial photography; PVSC imagery; Google satellite images and an agricultural land use survey, throughout the zoned area of the municipality to identify any new areas of land which came into agricultural use; moved existing AR zoning boundaries to property boundaries, where appropriate; and in some cases AR Zoning was removed. In this specific case the AR designation and zoning was applied.

Letters were mailed to all property owners where zoning was proposed to change, with information on the proposed change. Therefore, a letter would have been mailed to the applicant as they owned the property in 2015/2016 and also the owner of the adjacent land which is also the subject of the application. In addition to letters being mailed out, other methods of informing the community of the plan review, were undertaken, including information in newsletters and newspaper notices. At this time any property owners who had concerns about proposed rezoning were invited to provide comments to Council prior to the plan review completion. The property owner did not make comments.

The applicant explains that she was unaware of the Agricultural Reserve Zoning on their property. The applicant has explained that the land has been cleared since 1997 with no agricultural activity conducted on the properties. Her father has mowed the properties annually to prevent re-growth. She also explained that some of the land is unsuitable for agricultural due to water accumulation.

Subject Site

The subject land includes 3 properties. All 3 of these properties are located on Barr Settlement Road in West Indian Road. The property identified as PID 45278769 has AR designation and zoning applied to the whole of the property. The other 2 properties, identified as PID 45402567 and PID 45375433, have only a portion of them applied with AR designation and zoning applied. The remainder of these 2 properties are zoned and designated Rural Use (RU).

The land surrounding the properties are zoned a mixture of Rural Use (RU) and Agricultural Reserve (AR).

Zoning information is provided on the map to the right. The area of land the subject of the application has been outlined. In addition to this an excerpt of out in-house aerial photography is provided below. Aerial photography provided by PVSC has been included in Appendix A of this staff report.



Development Proposal

The purpose of this application is to allow for a non-farm dwelling. The current zoning for the property would not allow for a dwelling which isn't related to a bona fide farm operation. Farm dwellings may consist of the principal residence of the farm owner; additional farm labour; or family employed on the farm. Under the Land Use Bylaw, the definition of a 'Bona Fide Farm' is an agricultural operation that is actively engaged in farming and earns at least \$5,000 per calendar year from agricultural activities on the farm.

The potential buyer is not a farmer or related to a farming operation and therefore under the Land Use Bylaw a non-farm dwelling would not be permitted.

The proposed re-designation and rezoning would enable the non-farm dwelling.



Policy Analysis

The Planning and Development Department is currently reviewing the proposal based on the applicable policies contained in the Municipal Planning Strategy. To address potential compatibility issues with neighbouring residences and businesses, and to comply with criteria applied to consideration of this application, Staff will be requesting comments from internal departments and external agencies. A detailed table of the evaluative criteria from the enabling policies and corresponding comments from staff and reviewing agencies will be attached to the final report.

Staff are not proposing that the Agricultural Advisory Committee (AAC) be consulted on the proposed re-designation and rezoning as it's not a significant change. Planning Advisory Committee and Council however may consider that they would like to ask for comments from Agricultural Advisory Committee, and an alternative motion has been drafted should comments be requested from AAC.

There is no right of appeal for amendments to the Municipal Planning Strategy.

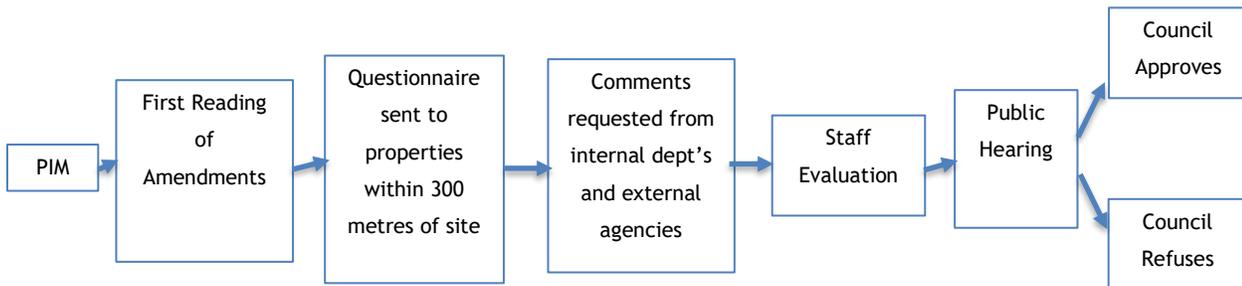
Public Participation

Planning staff will comply with Public Participation Policies of the Municipal Planning Strategy when processing this application. An advertisement outlining the application and indicating that it had been received and is under review by staff will be placed in the *Chronicle Herald*. A Public Information Meeting (PIM) is required for all amendments to the Municipal Planning Strategy unless they are housekeeping in nature.

Due to Covid-19 restrictions, the public information meeting will be held as a digital meeting that residents can join digitally or call and listen to the presentation. Residents will have an opportunity to ask questions at the PIM whether they join digitally or call into the meeting. A letter indicating the time and date of the PIM will be mailed to all property owners within a 300 m of the subject properties indicating the time and date of the meeting.

Conclusion

Planning staff will continue to review the application by Gail Sloane and Peter MacDougall to re-designate 3 properties from Agricultural Reserve to Rural Use to enable a non-farm dwelling to be constructed. A public information meeting is proposed to be held as the next step in the process. The applicants' proposal will be evaluated using all applicable policies in the Municipal Planning Strategy. Staff will make a recommendation to PAC in their final staff report.



Recommendation

That Planning Advisory Committee recommend that Council authorize staff to schedule a public information meeting.

Appendix A - Aerial Photography provided by PVSC

