

Consent Report – File Numbers C38/18 & C39/18

Owners: Schilder Organics Ltd.	Date: 5 July 2018
Applicant: Scott Patterson c/o Labreche Patterson & Associates Inc.	
Property Address: 39705 Belgrave Road and 39791 Belgrave Road	
Property Description: Part Lot 40 and Part Lot 41, Concession 8, East Wawanosh, Township of North Huron	

Recommendation: That provisional consent be:

- X granted with conditions (attached)
deferred
denied (referred to the committee of the whole for a decision)

Purpose:

- X enlarge abutting lot
create new lot
surplus farm dwelling
right-of-way / easement
other:

File C38-18

Area Severed: 19.4 ha (47.9 acres)	Official Plan Designation: Agriculture, Natural Environment-Limited Protection	Zoning: General Agriculture (AG1), Natural Environment-Limited Protection (NE2)
Area Retained: 44.6 ha (110.3 acres) (38 ha + 6.6 ha)	Official Plan Designation: Agriculture, Natural Environment-Limited Protection	Zoning: General Agriculture (AG1), Natural Environment-Limited Protection (NE2)
File C39-18		
Area Severed: 18.7 ha (46.1 acres)	Official Plan Designation: Agriculture, Natural Environment-Limited Protection	Zoning: General Agriculture (AG1), Natural Environment-Limited Protection (NE2)
Area Retained: 32.1 ha (79.3 acres)	Official Plan Designation: Agriculture, Natural Environment-Limited Protection	Zoning: General Agriculture (AG1), Natural Environment-Limited Protection (NE2)

Review: This application:

- X Is consistent with the Provincial Policy Statement (s. 3(5) Planning Act);
 - X Does not require a plan of subdivision for the proper and orderly development of the Township (s. 53(1) Planning Act);
 - X Conforms with section 51(24) of the Planning Act;
 - X Conforms with the Huron County Official Plan;
 - X Conforms with the North Huron Official Plan;
 - X Complies with the municipal Zoning By-law (or will comply subject to a standard condition of rezoning or minor variance);
 - Has been recommended for approval by the local Township; and
 - X Has no unresolved objections/concerns raised (to date) from agencies or the public.
- (Applications that do not meet all of the foregoing criteria will be referred to the County Planning Committee for a decision)

Agency/Public Comments:

	Not Received	No Concerns	See Conditions
Huron County Public Works		X	
Maitland Valley Conservation Authority		X	
Neighbours/Public	X		

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Additional Comments:

The subject properties are designated Agriculture and Natural Environment- Limited Protection in the North Huron Official Plan. The purpose of the consent is to sever two existing farms into multiple parcels and create three farms from the subject lands through the severing and merging of farmland. As these two consent applications rely on the success of each other to create the three farms, they are being reviewed together in a joint report.

Figure 1: Consent File C38-18 subject lands (red outline) and Consent File C39-18 subject lands (blue outline)



The proposed severed parcel for Consent File C38-18 is 19.4 ha (47.9 acres)), zoned General Agriculture (AG1) and Natural Environment Limited Protection (NE2), and is vacant land used for agriculture purposes. The severed land is proposed to merge with the severed land in Consent File 39-18 to create one new farm. The west retained parcel is 38 ha (94 acres) on one side of the severed parcel and will remain its own separately titled farm. It is zoned General Agriculture (AG1) and Natural Environment Limited Protection (NE2), and has an existing single dwelling, livestock barn, multiple sheds, and grain bins. The other retained portion on the east side of the severed lands is 6.6 ha (16.3 acres), zoned General Agriculture (AG1) and Natural Environment Limited Protection (NE2), is vacant farmland, and is proposed to merge with the retained land for the abutting farm that is also being severed.

The proposed severed parcel for Consent File C39-18 is 18.7 ha (46.1 acres), zoned General Agriculture (AG1) and Natural Environment-Limited Protection, and is used for agriculture purposes. The severed portion for this farm is proposed to be merged with the severed lands for Consent File C38-18. The retained parcel is 32.1 ha (79.3 acres), is zoned General Agriculture (AG1) and Natural Environment Limited Protection (NE2), and has an existing barn and shed. This retained land is proposed to merge with the east retained lands (size 16.3 acres) for Consent File 38-18. Figure 2 demonstrates the proposed severed and retained lands and plan to merge them to create three separate farms along Belgrave Road. Figure 3 shows the proposed result of the three farms.

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Figure 2: Proposed severed and retained lands for Consent Files C38-18 & C39-18



Red outline is subject lands for C38-18, severed land is green. Green is proposed to merge with orange, indicated by white arrow.

Blue outline is subject lands for C39-18, severed land is orange. Orange is proposed to merge with green. Retained lands are proposed to merge with small east retained lands for C38-18 (outlined in red), indicated by yellow arrow.

Official Plan Policies

Section 11.3.1.1 of the North Huron Official Plan allows severances in an Agriculture designation for the purposes of maintaining long-term flexibility for agricultural uses and creating viable farms. A policy in Section 11.3.1 of the Official Plan states that the criteria for a severance in an agriculture area is:

- The proposed operation must be an agriculture operation either by itself or in conjunction with other lands owned by the operator;
- Agriculture must be the intended use of the lands being conveyed; and
- A minimum lot size of 38 hectares.

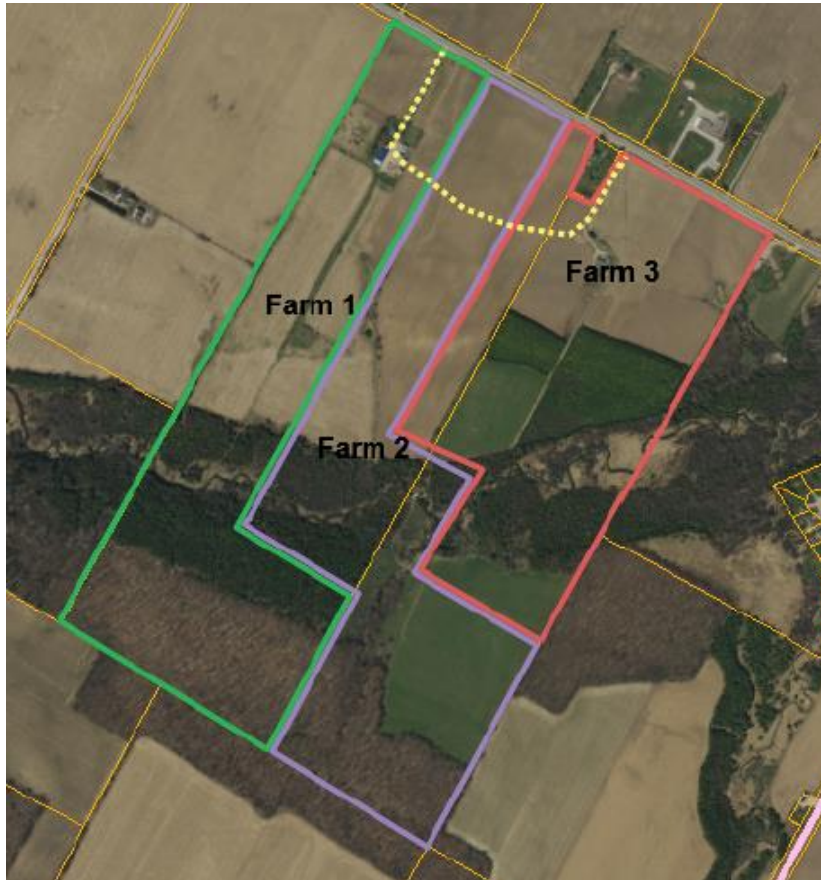
The proposed severances meet the intent of the Agriculture land division policies because the simultaneous approval of each consent application and subsequent merging would result in three farm parcels that each meet the minimum lot size to satisfy the policy and all three will have agricultural uses. It is therefore a recommended condition that the severed and retained lands are merged as indicated in Figure 2, to meet the minimum lot sizes and avoid creating lots that are undersized or do not front onto a public road. The North Huron Official Plan encourages flexibility for farm operators to engage in differing types, sizes and intensities of agricultural operations.

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The North Huron Official Plan also states that an agricultural severance application will be subject to the applicable minimum distance separation requirements. Currently there is a livestock barn under construction on 'Farm 1'. The required Minimum Distance Separation was calculated for both Farm 2 and 3 using a similar sized barn with the same nutrient unit amount. The two proposed farms satisfied that they contain area suitable for the construction of a future livestock barn to meet the MDS required from the lot lines, neighbouring houses and the settlement area of Belgrave.

These applications conform to the North Huron Official Plan and its consent policies for a severance in an agricultural area.

Figure 3: Proposed result of Consents C38-18 and C39-18 with three farms



Zoning By-law Provisions

The subject land is currently zoned General Agriculture (AG1) and Natural Environment Limited Protection (NE2). The proposed agricultural uses and accessory uses for the retained and severed lands are permitted uses in the AG1 zone. The size of the retained lands for Farm 1 (west retained lands for Consent C38-18) is deemed to comply with the provisions for minimum lot area in the zoning by-law as per Section 4.4 (38 hectares minimum, inclusive of the NE zone). When the proposed severed lands are merged with the abutting farms for both severance applications, they will meet the minimum lot area for an AG1 zoned property, as per Section 4.9 New Agricultural Holdings.

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Figure 4: Site photo of 39705 Belgrave Road, subject lands of C38-18



Comments Received

Comments received from the Huron County Public Works Department stated they do not have concerns for the proposed severances; the owner has identified that they intend to maintain the current two entrances and utilize a circular driveway across all three properties and therefore does not require a new entrance at this time for the new middle farm. The proposed driveway is shown on Figure 3 in yellow. County Public Works commented that should an access be requested for the middle farm (Farm #2) in the future, they do not anticipate concerns with granting an entrance based on spacing and sightlines.

Comments received from the Maitland Valley Conservation Authority stated that the subject lands contain river valley, which is identified as hazard lands prone to erosion and flooding. They noted that there is sufficient room on each of the three lots to locate future development outside of any identified hazard lands; future development should also be located outside of the regulated area. The applications are in conformity with the policies in the Provincial Policy Statement and they do not have concerns.

There were no comments received from members of the public during circulation. This report is written in advance of the meeting and further comments may arise at that time.

Figure 5: Site photo of 39791 Belgrave Road, subject lands of C39-18



Recommended Conditions (denoted by X)

Expiry Period

- X Conditions imposed must be met within one year of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

Municipal Requirements

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- X All municipal requirements be met to the satisfaction of the Township including servicing connections if required, property maintenance, compliance with zoning by-law provisions for structures, and any related requirements, financial or otherwise.
- X Section 65 of the Drainage Act to be addressed to the satisfaction of the Township.

Survey

- X Provide to the satisfaction of the County and the Township:
 - a) a survey showing the lot lines of the severed parcel and the location of any buildings thereon, and
 - b) a reference plan based on the approved survey

Merging

- X The severed land for Consent C38-18 merge on title with the abutting severed land for Consent C39-18 to the east upon issuance of the certificate under Section 53(42) of the Planning Act, RSO 1990, as amended, and further that the east retained lands for Consent C38-18 merge on title with the abutting retained land for Consent C39-18 to the east upon issuance of the certificate under Section 53(42) of the Planning Act, RSO 1990, as amended.
- X A firm undertaking be provided to the satisfaction of the County from the solicitor acting for the parties indicating that:
 - a) the severed land for C38-18 and the abutting severed property to the east for Consent C39-18 will be consolidated into one P.I.N. under the Land Titles system; and
 - b) the east retained land for Consent C38-18 and retained land for Consent C39-18 will be consolidated into one P.I.N. under the Land Titles system; or
 - c) where consolidation is not possible as the parcels to be merged are registered in two different systems (e.g. the Registry or Land Titles system), a notice will be registered in both systems indicating that the parcels have merged with one another and are considered to be one parcel with respect to Section 50 (3) or (5) of the Planning Act, R.S.O. 1990, C P.13 as amended.
- X Section 50(3) of the Planning Act, RSO 1990, as amended, applies to any subsequent conveyance or transaction of the severed land.

'Original Signed By'

Laura Simpson
Planner