

Consent Application Report – File # C56-18

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| Owner/Applicant: Dennis Connelly/ Doug Culbert, OLS | Date: 13 September 2018 |
| Property Address: 85413 Scott Line | |
| Property Description: Part Lot 36, Concession 10, East Wawanosh, Township of North Huron | |

Recommendation: That provisional consent be:

- √ granted with conditions (attached)
- deferred (for OPA to address MDS issue)
- denied (referred to the Committee of the Whole, for a decision)

Purpose:

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

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| Area Severed: 1.6 ha (+/-) (4 ac) | Official Plan Designation: Agriculture | Zoning: AG1- General Agriculture |
| Area Retained: 40.3 ha (+/-) (100 ac) | Official Plan Designation: Agriculture and Natural Environment Limited Protection | Zoning: AG1 – General Agriculture and NE2 – Natural Environment Limited Protection |

Review: This application:

- √ Is consistent with the Provincial Policy Statement (s. 3(5) Planning Act);
- √ Does not require a plan of subdivision for the proper and orderly development of the Township (s. 53(1) Planning Act);
- √ Conforms with section 51(24) of the Planning Act;
- √ Conforms with the Huron County Official Plan;
- √ Conforms with the North Huron Official Plan,
- √ 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
- √ 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 Committee of the Whole for a decision)

Agency/Public Comments:

| | Not Received or N/A | No Concerns | Comments/Conditions |
|--|------------------------|----------------|--|
| Maitland Valley Conservation Authority | √ | | |
| Neighbours/Public | √ | | |
| Huron County Health Unit | | √ | A letter from a licensed contractor advising that the tank has been pumped and is functioning properly for the severed parcel of land. |
| Public Works | √ | | |
| Chief Building Official | | | That all accessory buildings that house livestock or can house livestock apply for a change of use permit as per the Ontario Building Code to be only storage buildings, with all penning, mangers and livestock equipment |

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| | | | be removed. OR That any existing livestock barn remain on the retained lands and not severed with the house. OR That any existing livestock barns are demolished prior to severance. |
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Figure 1. Aerial photo of severed land (outlined in red) and retained land (outlined in green)

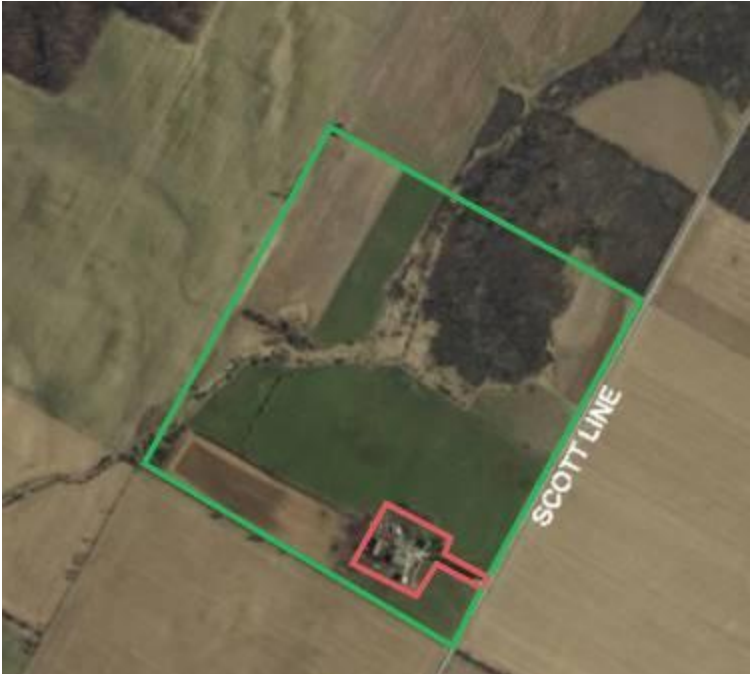


Figure 2. 2015 Aerial photo of proposed severed land



Figure 3. Photo of proposed severed property



Figure 4. Photo of barn on proposed severed property



Additional Comments:

The purpose of this application is to sever a surplus farm dwelling. The land to be severed is approximately 4 acres and contains an existing dwelling, barn, and two sheds. The land to be retained is approximately 100 acres of farmland and a limited amount of bush and will continue to be used for agricultural purposes.

Comments Received

Comments from the Huron County Health Unit indicated that they had no objections for this severance and they recommended the condition that the existing septic system is inspected and a letter from a licensed contractor advising that the tank has been pumped and is functioning properly.

There were no comments received from the public during the circulation of this application. Comments received from the Chief Building Official stated that their recommendations for the existing barn on the proposed severed lands is one of three options:

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- 1) That all accessory buildings that house livestock or can house livestock apply for a change of use permit as per the Ontario Building Code to be only storage buildings, with all penning, mangers and livestock equipment be removed.

OR

- 2) That any existing livestock barn remain on the retained lands and not severed with the house.

OR

- 1) That any existing livestock barn is demolished prior to severance.

The option included in the recommended conditions of this report is option #3- that the existing barn on the proposed severed land is to be demolished as a condition of the severance. This is in agreement with the owner after they consulted with the Chief Building Official about the received comments and options. It addresses the CBO's concern of livestock housing occurring on severed surplus dwelling properties when the intent is severing a residential property from an active farm. Further comments may arise at the meeting.

Provincial Policy Statement

The *Provincial Policy Statement, 2014* (PPS) in Section 2.3.4.1 only permits lot creation in prime agricultural areas for agricultural uses, agriculture-related uses, a residence surplus to a farming operation, and infrastructure. The PPS requires that the remnant farmland from a surplus farm residence severance be prohibited from having a residence. This application is for a surplus dwelling severance and, provided a condition is attached to the approval prohibiting a new residence on the retained parcel, is consistent with the Provincial Policy Statement.

Official Plan Policies

The subject property is designated Agriculture and Natural Environment Limited Protection in the North Huron Official Plan. The consent policies in Section 11.3.1 of the Township of North Huron Official Plan contain criteria to permit a surplus dwelling severance in an Agriculture designation. These policies are similar to those found in the Huron County Official Plan and are as follows:

| North Huron Surplus Dwelling Criteria | Compliance with Criteria |
|--|--|
| <i>House is surplus to a farm operator</i> | Yes, the owner owns another farm in Huron County. |
| <i>House is at least 15 years old or replaces a house that was 15 years old.</i> | Yes, the building was built over 15 years ago. |
| <i>The area of farmland attached to the surplus house is kept to a minimum size needed for residential purposes, taking into consideration water and sewage services and environment and topographic features.</i> | Yes, severed area is minimal in area and is necessary to support the residential use and private services. |
| <i>Minimum Distance Separation (MDS) formula requirements are met to the surplus house if barn(s) exist on the retained farmlands. MDS does not apply to existing barns on separately titled lots.</i> | There are no barns remaining on the retained farmlands. |
| <i>There has been no previous separation of land for residential purposes as it existed on June 28, 1973</i> | Yes, there have been no previous separations of land for <u>residential</u> purposes. |
| <i>The retained lands are a minimum of 19 hectares unless merged with an abutting farm property.</i> | Yes, The retained lands are approximately 40.3 hectares. |
| <i>Where residence is within 300m of an aggregate operation or deposit and assessment of potential impact may be required.</i> | Yes, the dwelling is not within 300m of an aggregate operation or deposit. |

This application conforms to the North Huron Official Plan and its consent policies for a surplus dwelling severance.

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Zoning By-Law Provisions

The subject land is currently zoned General Agriculture (AG1) and Natural Environment Limited Protection (NE2). The subject property will automatically be rezoned in accordance with the provisions of Section 3.38 of the North Huron Zoning By-Law with the proposed severed lands being rezoned to AG4-9 Agricultural Small Holding Zone and the proposed retained lands being rezoned to AG2 Restricted Agriculture Zone. The portion zoned NE2 will remain that zone.

This application is consistent with the North Huron Zoning By-law.

Recommended Conditions

Expiry Period

- ✓ 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

- ✓ All municipal requirements be met to the satisfaction of the Township including servicing connections if required, cash-in-lieu of park dedication, property maintenance, compliance with zoning by-law provisions for structures, and any related requirements, financial or otherwise.
- ✓ The subject parcel be numbered and addressed for 911 purposes to the satisfaction of the Township.
- ✓ The sum of \$500 be paid to the Township as cash-in-lieu of parkland.

Septic System Inspection

- ✓ A letter from a licensed contractor advising that the tank has been pumped and is functioning properly for the severed parcel of land be provided to the satisfaction of the Township.

Survey

- ✓ 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

Zoning

- ✓ Where a violation of any municipal zoning by-law is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Township.

Note: The applicant is hereby advised that the severed parcel will be automatically rezoned to recognize the residential parcel (e.g. AG4-9) and the retained farmlands will be automatically rezoned to prohibit a new residence (e.g. AG2) in the North Huron Zoning By-law.

Other

- ✓ The barn on the proposed severed property be demolished to the satisfaction of the Township.

As this application to sever a surplus farm dwelling is consistent with the Provincial Policy Statement, conforms to the North Huron Official Plan, and is consistent with the North Huron Zoning By-law, it is recommended for approval with the above stated conditions.

‘Original Signed By’

Laura Simpson, Planner

13 September 2018

Date