

Consent Application Report – File # B31-2016

Owners/Applicant: Lois & Robert Sinclair	Date: 30 August, 2016
Property Address: 84210 Hoover Line	
Property Description: North Part Lot 31, Concession 5, 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:

Area Severed: 0.77 ha (+/-) (1.9 ac)	Official Plan Designation: Agriculture	Zoning: AG1- General Agriculture
Area Retained: 39.7 ha (+/-) (98.1 ac)	Official Plan Designation: Agriculture, Natural Environment- Full Protection, Natural Environment- Limited Protection	Zoning: AG1 – General Agriculture, NE1- Natural Environment Full Protection, 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 municipality (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);
- NA Has been recommended for approval by the local municipality; 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		√	"MVCA has no objection...it is our opinion the application is in general conformance with the natural hazard policies of the PPS, 2014."
Neighbours/Public	√		
Huron County Health Unit		√	"Both lots have sufficient space for a class four septic system and contingency bed."

Figure 1 Aerial Photo of Subject Property



Figure 2 Aerial Photo of Land to be Severed

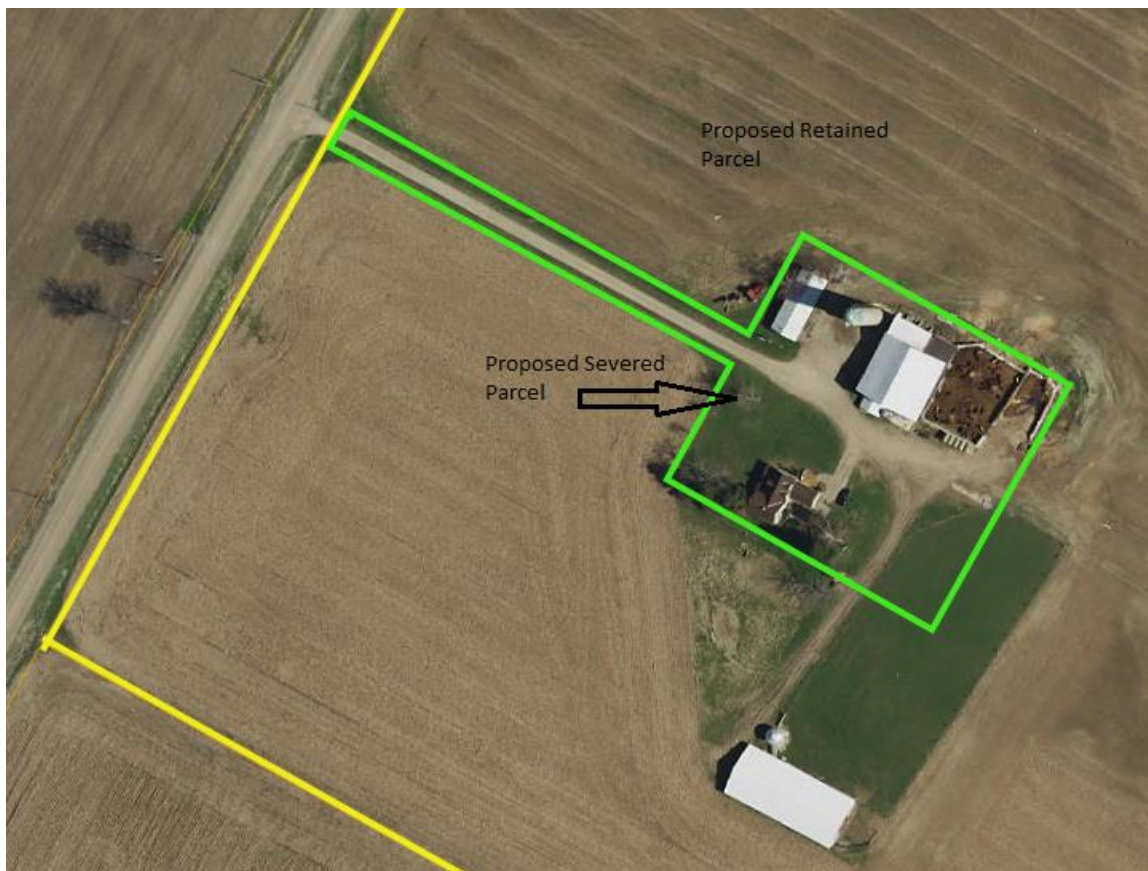


Figure 3 Photo of House on Proposed Severed Property



Additional Comments:

The purpose of this application is to create a new lot through a surplus farm dwelling severance. The land to be severed is approximately 1.9 acres and contains an existing dwelling, barn and shed. The land to be retained is approximately 98.1 acres of farmland and contains an existing pole shed. The retained land will continue to be used for agricultural purposes.

Comments Received

Comments received from Maitland Valley Conservation Authority for this application identified a wetland, watercourse and a Highly Vulnerable Aquifer (a vulnerable area for source water) on the subject property. No new development is proposed as part of this application and they had no concerns or objections to the proposed severance. Huron County Health Unit also commented on the application and stated there is sufficient room on the proposed severed parcel for a septic system and contingency bed and they recommended including the attached condition for the existing septic system.

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, Natural Environment-Limited Protection and Natural Environment-Full 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 Residence Criteria	Compliance with Criteria
<i>House is surplus to a farm operator</i>	Yes, the Sinclairs own several other farms in North Huron, including their residence at 38650 Belgrave Road.

Consent Application Report – File # B31-2016

<i>House is at least 15 years old or replaces a house that was 15 years old.</i>	Yes, the dwelling was built more than 15 years ago.
<i>The residence is habitable and intended to be used as a residence.</i>	Yes, it is habitable and intended to be used as a residence.
<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 is a pole shed remaining on the retained lands and a recommended condition is a Change of Use permit for it to prohibit livestock housing.
<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 39.7 hectares.
<i>Where residence is within 300m of an aggregate operation or deposit an assessment of potential impact may be required.</i>	The residence is not within 300m of an aggregate operation or deposit.

This application conforms to the North Huron Official Plan policies and is recommended for approval.

Zoning By-Law Provisions

The subject land is currently zoned General Agriculture (AG1). 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.

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 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.

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

Consent Application Report – File # B31-2016

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.

Storm Water

- √ Section 65 of the Drainage Act to be addressed to the satisfaction of the Township.

Septic System Inspection

- √ Applicant is to provide a letter from a licensed contractor advising that the tank has been pumped and is functioning properly for the severed parcel of land to the satisfaction of the Township.

Other

- √ A change of use (No Livestock Housing) under Section 10 of the Ontario Building Code be obtained for the pole shed on the proposed retained property to the satisfaction of the Township.
- √ That the applicant provide a written declaration acknowledging that the existing livestock barn has a maximum capacity of 4 nutrient units unless otherwise permitted by a rezoning or minor variance, 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.

Original Signed By

Laura Young, Planner

August 30 2016

Date