

Consent Application Report – File # B08-2016

Owners and Applicants: Henry and Sandra Bos	Date: March 30, 2015
Property Address: 84412 Marnoch Line	
Property Description: Part Lot 34, Concession 6, 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: 1.9 ha (+/-) (4.6 ac)	Official Plan Designation: Agriculture	Zoning: AG1- General Agriculture
Area Retained: 38.6 ha (+/-) (95.4 ac)	Official Plan Designation: Agriculture, Natural Environment Limited Protection, and Extractive Resources	Zoning: AG1 – General Agriculture, 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 objections to the Huron County application B8-16. It is our opinion that the application is in general conformance with the natural hazards policies of the PPS, 2014."
Neighbours/Public			Letter received from Lucas Schilder objecting to the total amount of land proposed for the severed property.
Huron County Health Unit		√	"Both lots have sufficient space for a class four septic system and contingency bed."

Figure 1 Aerial Photo of Proposed Severed and Retained Lands



Additional Comments:

The purpose of this application is to sever a surplus farm dwelling. The land to be severed is approximately 4.6 acres and contains an existing dwelling, barn, and two sheds. The land to be retained is approximately 95.4 acres of farmland and will continue to be used for agricultural purposes.

Comments Received

Comments received from the Maitland Valley Conservation Authority and the Huron County Health Unit state that they have no objections to the application.

A letter was received from Luke Schilder regarding concerns over the total size of the proposed severed area. His letter states that he believes the size of a severed residential parcel that was applied for - approx. 4.6 acres - is contrary to the policy that only a minimal amount of farmland should change to AG4 and it has the potential to create a junkyard on the property in the future. He has an issue with the approximately 2 acres to the north of the existing dwelling that is included in the proposed severed lands. This area is shown in Figures 2 and 3.

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.

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Official Plan Policies

The subject property is designated Agriculture, Natural Environment-Limited Protection and Extractive Resources in the North Huron Official Plan. The majority of the property, and the proposed severed parcel in particular, are designated Agriculture. 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 owners own a farm located at 83318 Currie Line, North Huron.
<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 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 and reflects topographic features.
<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 38 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.

The criteria in the North Huron Official Plan states that: *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.* The location of the existing septic system is north of the existing dwelling and there is required to be an appropriate amount of room on the proposed severed parcel to include the existing system plus sufficient room to accommodate a new replacement system.

The topographic features of the proposed severed parcel have been taken into consideration and are shown below in Figures 2 and 3. The steep slopes of the property and that the area north of the existing dwelling has not been tilled indicate that the proposed severed land is not being included in the farming operation on the subject property.

Figure 2 Photo of North Portion of Proposed Severed Lands



Figure 3 Photo of North Portion of Proposed Severed Lands



The North Huron Official Plan policies for surplus dwelling severances do not include a maximum size for the severed property and the total proposed severed property does not exceed the maximum lot area provision in the North Huron Zoning By-law of 4 hectares for an AG4 Agricultural Small Holding Zone property. Historically, the 2 acres included in the proposed severed property has not been included in the tilled farmland for the farming operation on the subject property. Figure 4 consists of aerial photos that show the area's use in 1978 and in 2010.

Figure 4



1978 Aerial Photo of the Proposed Severed Lands



2010 Aerial Photo of the Proposed Severed Lands

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

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.

In the North Huron Zoning By-law a permitted use in the AG4 Zone is Limited Agricultural Use, which includes the planting and harvesting of a field and grazing. The area north of the existing dwelling provides sufficient space for these permitted uses, including the permitted limited-scale livestock use to be in accordance with the AG4 Zone provisions.

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

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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

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.

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

30 March 2016
Date