

Consent Application Report – File # B38-2016

Owner: Wayne and Linda Hopper Applicant: Ron Davidson Land Use Planning	Date: 2 November 2016
Property Address: 38507 Glen's Hill Road	
Property Description: Part Lot 28, 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: .28 ha (+/-) (0.71 ac)	Official Plan Designation: Agriculture	Zoning: AG1- General Agriculture
Area Retained: 47 ha (+/-) (116 ac)	Official Plan Designation: Agriculture and Extractive Resources	Zoning: AG1 – General Agriculture

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	√		
Neighbours/Public	√		
Huron County Health Unit		√	"The severed lot has sufficient space for a class four septic system and contingency bed."

Figure 1 Aerial Photo of Proposed Severed and Retained Lands



Figure 2 Aerial Photo of Land to be Severed



Figure 3 Photo of Existing House on Proposed Severed Property



Figure 4 Photo of Existing Shed 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 0.71 acres and contains an existing dwelling and shed. The land to be retained is approximately 116 acres of farmland and will continue to be used for agricultural purposes.

Comments Received

Comments received from the Huron County Health Unit stated that they could not support the application as originally proposed because there was insufficient room for a future replacement septic system and it could not meet the required setbacks. The proposed severed parcel dimensions were amended by the applicant and sent to the Health Unit for their confirmation of satisfaction. Once it was deemed appropriate and able to be supported by the Health Unit, the application amendment was considered minor in nature and it was not necessary to re-circulate the application.

Comments received from the Huron County Public Works Department stated that they had no objection to the proposed severance. The severed lot has an existing entrance off of Glen's Hill Road and no new entrance to the severed lot would be permitted off of Donnybrook Line.

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

Consent Application Report – File # B38-2016

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 Extractive Resources in the North Huron Official Plan. The majority of the property, and the proposed severed parcel in particular, is 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 several farms throughout Huron County and Bruce 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 50 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 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 47 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.

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.

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

Consent Application Report – File # B38-2016

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.

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 Young, Planner

2 November 2016

Date