

Consent Application Report – File # B40-2016

Owner/Applicant: : Swiss Valley Farms Ltd. c/o Fred J. Meier	Date: 30 November 2016
Property Address: 84287 London Road	
Property Description: North Part Lot 42, East Half Part Lot 41 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: 0.81 ha (+/-) (2 ac)	Official Plan Designation: Agriculture	Zoning: AG1- General Agriculture
Area Retained: 29.6 ha (+/-) (73.2 ac)	Official Plan Designation: Agriculture & Natural Environment-Limited Protection	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	√		
Neighbours/Public		√	Letter of objection was received but then withdrawn. No outstanding objections or concerns.
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



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Additional Comments:

The purpose of this application is to sever a surplus farm dwelling. The land to be severed is approximately 2 acres and contains an existing dwelling and shed. There is an existing grain bin in the rear yard of the proposed severed property and a recommended condition is that it is removed from the property. The land to be retained is approximately 73.2 acres of farmland and will continue to be used for agricultural purposes.

Comments Received

A letter of objection to the proposed severance was received from Dale Whitefield, stating concerns over the proposed severance. After conversation with staff, Mr. Whitfield’s concerns were addressed and he formally withdrew his objection.

Comments received from the Huron County Public Works Department stated that they had no objection to the proposed severance and subject to Entrance Permit Approval, the proposed retained land is entitled to 1 new entrance.

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 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, Swiss Valley Farms Ltd. owns several farms throughout 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 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 29.6 hectares.

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<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.
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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 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.

Other

- √ The existing grain bin on the proposed severed parcel is removed from the severed property 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.

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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

30 November 2016

Date