

## Consent Application Report – File # B72/2015

Owners/Applicant: John & Ruth Haines	Date: April 12, 2015
Property Address: 39721 Amberley Road	
Property Description: Part North Part Lot 40, Concession 14, 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: 0.44 ha (+/-) (1.1 ac)	Official Plan Designation: Agriculture, Extractive Resources	Zoning: AG1- General Agriculture
Area Retained: 39.74 ha (+/-) (98.2 ac)	Official Plan Designation: Agriculture, Extractive Resources, Natural Environment- Limited Protection	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	N/A		
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 (from the west on Currie Line)



**Additional Comments:**

The purpose of this application is to create a new lot and easement through a surplus farm dwelling severance. The land to be severed is approximately 1.1 acres and contains an existing dwelling and shed. The land to be retained is approximately 98.2 acres of farmland and will continue to be used for agricultural purposes.

*Comments Received*

The application was originally circulated on February 26<sup>th</sup> 2016 but comments received from the Huron County Health Unit stated that they could not support the application as originally circulated because the existing septic system was not entirely contained within the proposed severed parcel and there was insufficient room for a future replacement system. The proposed severed parcel dimensions were amended by the applicants 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 was re-circulated to reflect the new dimensions to accommodate the 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 Extractive Resources 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 Haines own several other farms in North Huron, including their residence at 85964 Currie Line.

## Consent Application Report – File # B72/2015

<i>House is at least 15 years old or replaces a house that was 15 years old.</i>	Yes, the dwelling was built prior to the 1950s.
<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 39.74 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 within 300m of an identified aggregate deposit and an Aggregate Impact Assessment was required to be completed as part of the severance application.

As part of the complete application for this proposed severance per Section 12.1.20 of the Official Plan, it was required to have an Aggregate Impact Assessment completed. The Assessment was to determine the impact on the existing aggregate deposit on the severed and retained lands. The aggregate deposit on the subject property contains Secondary No Constraints deposits. Once completed, the Aggregate Impact Assessment stated that there did not appear to be significant aggregate resources in the proposed severed area and since the existing dwelling was constructed prior to 1950, there will be no change in land use or new development as a result of this severance that would create new or additional constraints for the surrounding aggregate resource area.

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.

## Consent Application Report – File # B72/2015

- √ 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

April 12 2016  
Date