

Consent Application Report – File # B58-2016

Owner/Applicant: Ken and Jocelyn deBoer	Date: 1 February 2017
Property Address: 84916 Donnybrook Line	
Property Description: Part West Part Lot 28, Concession 8, 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: 1.87 ha (+/-) (4.62 acres)	Official Plan Designation: Natural Environment- Limited Protection	Zoning: NE2- Natural Environment Limited Protection
Area Retained: 37.38 ha (+/-) (92.37 acres)	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 from Gerald Jefferson
Huron County Health Unit		√	"The severed lot has sufficient space for a class four septic system and contingency bed."

Figure 1. Proposed severed parcel outlined in red, proposed retained parcel outlined in green



Figure 2. Aerial photo of proposed severed parcel



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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 4.62 acres and contains an existing dwelling and two sheds. The land to be retained is approximately 92.37 acres of farmland and natural environment and will continue to be used for agricultural purposes.

Comments Received

A letter of objection to the proposed severance was received from Gerald Jefferson, stating concerns over the proposed severance. His concerns include that the house identified as surplus in the application is not surplus to the applicants, the deBoers, and he believes it is not the intent of the planning policies to sever the house and convey the lands to a farmer, but rather the farmer purchase the entire farm and sever the dwelling once it is surplus to their needs.

Comments received from the Huron County Public Works Department stated that they had no objection to the proposed severance and no additional entrances are permitted for the severed or retained lands.

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 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>	The house is not surplus to the current landowners, the deBoers, but is surplus to the named purchaser of the retained farmlands, John and Renay Hardy, owners of a farming operation.
<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 private services, existing driveway and 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 37.38 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 was evaluated against the surplus severance consent policies in Section 11 of the North Huron Official Plan and to address that the dwelling that is the subject of this application is not surplus to the needs of the applicants and current landowners, the deBoers, a recommended condition of this application is that the retained lands are conveyed and registered to John and Renay Hardy, to whom the dwelling would be surplus. 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) and Natural Environment- Limited Protection (NE2). The subject property will automatically be rezoned in accordance with the provisions of Section 3.38 of the North Huron Zoning By-Law. The proposed severed lands will be rezoned to AG4-9 Agricultural Small Holding Zone and the proposed retained lands zoned AG1 will be 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

- √ That the retained lands be registered in the name of John and Renay Hardy to the satisfaction of the County.

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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

1 February 2017

Date