

Consent Application Report – File # B37/2017

Owner: Norman Regier Farms Ltd	Date: September 18, 2017
Applicant: Norman Regier	
Property Address: 37985 Crediton Road	
Property Description: Lot 10, Concession 11, Stephen, Municipality of South Huron	

Recommendation:

That provisional consent be:

- √ granted with conditions (attached)
- deferred (for ...)
- 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: 0.79ha (1.94 acres)	Official Plan Designation: Agriculture	Zoning: AG1
Area Retained: 39.16 ha (96.77 acres)	Official Plan Designation: Agriculture	Zoning: AG1

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 South Huron Official Plan;
- √ Complies with the municipal Zoning By-law (or will comply subject to a standard condition of rezoning or minor variance);
- n/a 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
Conservation Authority (ABCA)	N/A		
Neighbours/Public	None received		
Huron County Highways		√	
Huron County			See conditions.

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Health Unit			
South Huron Staff			See conditions.

Figure 1: Aerial of Subject Property. Retained Parcel identified in Yellow. Severed Parcel identified in Red.



Figure 2: Aerial of land to be severed



Through discussions with the application is understood the small shed and silo will be demolished. The applicant has indicated the shed proposed on the retained parcel (80x48ft) does not have hydro or water and there is no desire to provide services to this structure. Through discussions with the applicant, this shed is for storage purposes only. There is also a remnant well on the proposed retained parcel. The applicant provided materials noting this well was decommissioned; proof of decommissioning is a recommended formal condition of this consent.

Figures 3 and 4: Severed dwelling and proposed shed on severed parcel.



Figure 5: Structures to be demolished, and structure on proposed retained parcel.



Official Plan Policies

The purpose of this application is to sever a dwelling made surplus as a result of farm consolidation.

The consent policies in Section 13.3.1.1 of the South Huron Official Plan speak directly to surplus residence severances in agricultural areas. These policies are consistent with those found in the Huron County Official Plan. Within this section, there are several criteria for the evaluation of this severance as follows:

South Huron Surplus Residence Criteria	Subject Application Compliance with Criteria
<i>House is surplus to a farm operator</i>	Yes, the dwelling is considered surplus to the current owner. The owner has other farm holdings in their name with a dwelling.
<i>House is at least 15 years old or replaces a house that was 15 years old.</i>	Yes, dwelling was built in 1898 as noted on MPAC records.

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<i>The residence is habitable and intended to be used as a residence.</i>	Yes.
<i>The area of farmland is kept to a minimum needed for residential purposes.</i>	Yes, the severed area includes the residence and accessory structures and services.
<i>MDS requirements are met where barns on neighbouring farms are ≥ 100 Nutrient Units.</i>	The applicant submitted one MDS data sheet for a livestock operation to the south. The distance required under the MDS calculation is achieved and therefore this policy is met.
<i>There has been no previous separation of land for residential purposes as it existed on June 28, 1973.</i>	No, and therefore this policy is met.
<i>The retained lands are a minimum of 19 hectares unless merged with an abutting farm property.</i>	Yes, the retained lands are 36.16 hectares. As noted above: <ol style="list-style-type: none"> 1. The applicant has decided to demolish a small shed and silo on the proposed retained parcel. 2. There is an 80x48ft shed proposed on the severed parcel; applicant has indicated no hydro or water services this building nor is proposed in the future. 3. There is an existing well on the retained lands the applicant has indicated is decommissioned.
<i>Where residence is within 300m of an aggregate operation or deposit an assessment of potential impact may be required.</i>	Yes, the residence is not within 300m of an aggregate operation or deposit.

Zoning By-law

The subject land is currently zoned General Agriculture (AG1).

It is recommended that that as a condition of consent the retained land be rezoned to the appropriate zone (AG1 – Special Exception) to prohibit a new residence. The applicant has noted that he shed on the proposed retained parcel is for storage purposes, and there is no current or intended future hookup to hydro or water. This shed would meet minimum interior side yard provisions for the proposed retained parcel under AG1 zone for accessory structures.

It is recommended that the lands to be severed be rezoned to Agricultural Small Holding zone (AG4), allowing for an Agricultural Small holding use with a limited number of Nutrient Units permitted on the site. Based on the proposed severed parcel size the severed parcel would be limited to one (1) Nutrient Unit.

Summary:

It is recommended that this surplus dwelling severance application be **approved** because it meets the requirements of the Provincial Policy Statement, and the Huron County and South Huron Official Plans.

Sincerely,

'Original signed by'

Sarah Smith, B ES

September 18, 2017

Date

Date of Site Inspection: July, 2017

Should Council choose to recommend this application for approval by the County of Huron, the conditions below are recommended. The application would be approved, on the condition that:

Expiry Period

1. 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 the notice of decision.

Municipal Requirements

2. Any and all monies owed to the Municipality must be paid in full, which may include but are not limited to servicing connections, cash-in-lieu of park dedication, property maintenance, water and wastewater charges, garbage and recycling charges, property taxes, compliance with zoning by-law provisions for structures etc.
3. 911 addressing for the subject lands be dealt with to the satisfaction of the Municipality.
 - a. A new 911 number and roll number will be required for the remaining building and access off Goshen to the retained parcel to the satisfaction of the Municipality of South Huron.
4. The sum of \$500.00 be paid to the Municipality as cash-in-lieu of parkland.

Survey/Reference Plan or Registerable Description

5. Provide to the satisfaction of the County and the Municipality:
 - 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

6. Where a violation of any municipal zoning by-law is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.
7. The severed land be rezoned to the appropriate zone (e.g., Small Agricultural Holding – Special Exception (AG4), to the satisfaction of the Municipality.
8. The retained land be rezoned to the appropriate zone (e.g., General Agriculture – Special Exception (AG1-Special) to prohibit a residence, to the satisfaction of the Municipality.

Septic System Inspection

9. A letter from a licensed contractor advising that the tank has been pumped and is functioning properly for the severed parcel of land be provided to the satisfaction of the Municipality of South Huron and Huron County Health Unit.

Storm Water and Drainage

10. Any tile drains crossing between the severed and retained parcel be cut and re-routed to the satisfaction of the Municipality of South Huron.

Well on Retained Parcel

11. Applicant shall provide proof that well on the retained lands has been decommissioned to the satisfaction of the Municipality of South Huron.
12. Applicant shall confirm that water services to severed parcel is not connected to sheds/barn on retained parcel. Applicant to confirm that private well is not cross connected to municipal water supply.
13. The Huron County Health Unit have no record of an inspection with regards to the installation of a municipal water services for the above mentioned property. We would request that a plumbing inspector from the Health Unit inspect the water distribution system in the home of the severed property to ensure there is no interconnection between the municipal water and the well to be located on the retained portion.

Structures on Retained Parcel

14. In regards to the shed and silo the applicant is proposing to demolish:
 - a. Proof must be provided to the satisfaction of the Municipality of South Huron that the shed and silo have been demolished.
15. In regards to the shed (80x48ft) the applicant is proposing to remain on the retained parcel:
 - a. Applicant to ensure access to this shed is completely independent of the severed parcel to the satisfaction of the Municipality of South Huron.
 - b. Applicant to provide proof that this shed is not serviced by hydro from the severed parcel and/or that there is no hydro service required to this building to the satisfaction of the Municipality of South Huron.