



PLANNING & DEVELOPMENT

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Consent Application Report – File # B05-2018

| | |
|--|-------------------------|
| Owner: Tom Hayter and Elaine Hayter | Date: February 23, 2018 |
| Applicant: Tom Hayter | |
| Property Address: 37489 Dashwood Road | |
| Property Description: Part Lot 25 North Boundary Concession, Stephen | |

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: | Official Plan Designation | Zoning |
|-----------------------------|---------------------------|--------|
| Severed: 1.77 ac (0.72 ha) | Agriculture | AG4 |
| Retained: 1.26 ac (0.51 ha) | Agriculture | AG4 |

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) | | √ | |
| Neighbours/Public | None Received | | |
| Huron County Highways | None Received | | |
| Huron County Health Unit | | √ | |
| South Huron Staff | | | See conditions |

Figure 1: Aerial of Subject Property. Severed parcel identified in red. Retained parcel identified in yellow. Lands severed parcel is to be added to shown in blue.



Figure 2: Photo of subject lands. Severed area identified in red, retained in yellow.



Figure 3. Street view of subject parcel. Severed lands in red, currently vacant. Retained lands in yellow, with an existing dwelling.



The purpose of this application is for boundary adjustment to enlarge an existing agricultural lot in the agricultural area of Stephen Township, west of the Dashwood Settlement area. The vacant area of land to be severed from 37489 Dashwood Road is approximately 70.7 metres wide by 101.8 metres deep (based on applicant measurements). If approved, the severed lands would be added to the abutting lands described as CON N BDY PT LOT 25 E PT LOT 26, owned by Hayter's Turkey Farms Ltd, municipally known as 37451 Dashwood Road. The severed lands are vacant. The applicant intends to sever and add land to 37451 Dashwood road to increase the farm area and allow for future expansion of the existing agricultural operation/business.

South Huron Official Plan

The subject lands at 37489 Dashwood Road are currently designated Agriculture in the South Huron Official Plan. The lands to which the severed parcel will be added, 37451 Dashwood Road, are also designated Agriculture in the South Huron Official Plan. Agricultural uses predominate in this area and are a primary resource for Huron County and the Municipality of South Huron. Expansion of an agricultural operation is encouraged as this is a primary resource in the area.

The policies in Section 13.3.1 of the South Huron Official Plan speak to severances in the agricultural areas. Criteria for the evaluation of this severance is as follows:

a) The consent must respect the need for long term agricultural flexibility

The subject consent meets this policy by enlarging an active, farming operation and removing land from an agricultural residential parcel that can be used for future agricultural use. Further, although the lands which the severed parcel are proposed to merge do meet the minimum 38 hectare farm size in the South Huron Official Plan, an existing agricultural operation is being enlarged which further enhances the existing agriculture base in this area.

b) Conveyances for agricultural purposes will be subject to the applicable Minimum Distance Separation (MDS) requirements

There are no MDS issues with the subject consent.

- c) *Consents will not be allowed which have the effect of creating a use not directly related to agriculture*

The proposed boundary adjustment enhances and expands an existing agricultural operation. The retained lands are an existing small agricultural holding and removal of valuable tillable or agriculture land from a rural residential lot is fitting with the policies of the plan.

Township of Stephen Zoning By-law 12-1984

The subject lands are currently zoned Agriculture Small Holding (AG4) which recognizes the exiting rural residential dwelling in the Agricultural area. After this boundary adjustment, the lands to be retained will still maintain minimum lot area and setback provisions in the AG4 zone. The enlargement of an existing AG2 parcel will increase lot area of an existing agricultural parcel and operation.

It is recommended that the severed parcel currently under the AG4 zone be rezoned to AG2 (Restricted Agriculture) so the zoning on this portion of land is consistent with the zoning of the larger parcel to which the severed lands will be added. This has been made a condition of this consent.

Additional Comments:

This application has been circulated to municipal agencies for review and comment. No public comments were received from the public at time of writing this report.

Summary:

As this application represents a minor boundary adjustment which meets the intent of the South Huron Official Plan and Township of Stephen Zoning By-law it is recommended it **be approved**.

Sincerely,

'Original signed by' _____

Sarah Smith

February 23, 2018

Date

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 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.

Survey/Reference Plan or Registerable Description

4. 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

5. The severed parcel be rezoned to the appropriate zone (e.g. AG2 Restricted Agriculture) to the satisfaction of the Municipality.
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.

Merging

7. The severed land merge on title with the abutting property to the west (37451 Dashwood Road, Township of Stephen, currently in the ownership of Hayter's Turkey Farms Ltd) upon issuance of the certificate under Section 53(42) of the Planning Act, RSO 1990, as amended.
8. A firm undertaking is to be provided from the solicitor acting for the parties indicating that the severed land and the abutting property to the west (37451 Dashwood Road) be consolidated into one P.I.N. under the Land Titles system. Note: in the case where a title search has been completed and it has been determined that the severed/retained lands are registered in two different systems (e.g. the Registry or Land Titles system) and a consolidation is not possible then notice will be required to be registered in both systems indicating that the parcels have merged with one another and is considered to be one parcel with respect to Section 50 (3) or (5) of the Planning Act, R.S.O. 1990, C P.13 as amended.
9. Section 50(3) of the Planning Act, RSO 1990, as amended, applies to any subsequent conveyance or transaction of the retained land.