



PLANNING & DEVELOPMENT

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Consent Application Report – File # B04-2018

Owner: Ben and Annemieke Brinke	Date: April 6, 2018
Applicant: Ben Brinke	
Property Address: 69285 Road 164	
Property Description: Part Lot 20, South East Boundary, Usborne	

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: 5 acres (2.02 ha)	Agriculture	AG1
Retained: 90 acres (36.4 ha)	Agriculture	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 Health Unit		√	
South Huron Staff			See conditions

Figure 1: Aerial of Subject Property. Severed parcel identified in red. Retained parcel identified in yellow.



Figure 2: Photo of severed parcel.

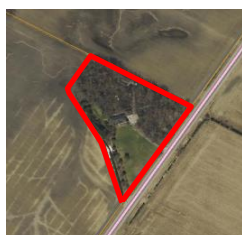


Figure 3. Street view of subject parcel dwelling proposed to be severed.



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 applicant/owner has provided evidence of other farm holdings under same ownership as subject lands which have existing dwellings. The subject dwelling is considered surplus to the farm operator.
<i>House is at least 15 years old or replaces a house that was 15 years old.</i>	Yes, dwelling was built in 1977 as noted on MPAC records.
<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 related services, and an accessory buildings.
<i>MDS requirements are met where barns on neighbouring farms are ≥ 100 Nutrient Units.</i>	The applicant provided MDS information for capable or current livestock operations in the surrounding area. MDS is met to a barn located north of the subject site. MDS measurements are not met to a currently vacant, but capable barn located southeast of the site; this distance can be considered minor. The Provincial Policy Statement and Huron County Official Plan have also removed the requirement for MDS setbacks to adjacent barns as it is recognized

	the dwelling already exists and will have no new impact the neighbouring uses. 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>	There was a previous severance on the southwest are of this site but this severance was completed in 1909 per records from the applicant and file materials. Therefore this policy is met as no separation of land for residential purposes has occurred since 1973.
<i>The retained lands are a minimum of 19 hectares unless merged with an abutting farm property.</i>	Yes, the proposed retained lands parcel is 36.4 hectares in size.
<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 lands are 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. 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. Due to the size of the proposed severed parcel, the severed parcel will be limited to 4 (four) Nutrient Units.

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

April 6, 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.
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.

Note:

Subject lands are under MTO jurisdiction and all future access for the retained farmland would be subject to MTO review and related requirements.