



PLANNING & DEVELOPMENT

57 Napier Street, Goderich, Ontario N7A 1W2 CANADA

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www.huroncounty.ca

Consent Application Report – File # C13-2018

Owner: Noel, James and Micahel Veri	Date: April 6, 2018
Applicant: Keith McLean	
Property Description: Conc 2 PT lot 17 PT Lot 18 (Stephen Township)	

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: 3.24 ha	Agriculture	AG1
Retained: 44.9 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)		✓	

Neighbours/Public			Neighbour noted no concern with proposed consent but wondered if mitigation measures could be put in place regarding noise of a pump operating on the subject parcel. See notes in report.
Huron County Highways	N/A		
Huron County Health Unit	N/A		
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 3. Approximate view of subject parcel and area proposed to be severed in red.



Purpose

The purpose of this application is for boundary adjustment to enlarge an existing agricultural lot in the agricultural area of Stephen Township. The proposed severed area of land is approximately 270 metres wide by 120 metres deep (based on applicant measurements). If approved, the severed lands would be added to the abutting lands described as Conc 2 Pt Lot 18, owned by Veri Hydroponics Inc., municipally known as 70586 Airport Line. The severed lands have an existing pond which is used by the hydroponics operation for drainage and water supply; it is proposed this pond be severed and added to the lands to which it services.

South Huron Official Plan

The subject lands are currently designated Agriculture in the South Huron Official Plan. The lands to which the severed parcel will be added, 70586 Airport Line, 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, agricultural site and for servicing purposes of the existing agricultural operation. Very limited productive farmland is being removed, and the existing pond services the lands to which it is proposed to be added to. The retained farmland at 70586 Airport Line will maintain the minimum 38 hectare agricultural land size in the South Huron Official Plan.

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 severed an existing pond that currently operates in conjunction with the greenhouse operation to the north. Adding this parcel to the lands it services would be in line with the policies of the Official Plan.

Township of Stephen Zoning By-law 12-1984

The subject lands are currently zoned General Agriculture (AG1) which recognizes a range of agricultural uses. After this boundary adjustment, the lands to be retained will still maintain minimum lot area and setback provisions in the AG1 zone. The enlargement of an existing AG1 parcel and specific for servicing of the site with the existing pond will enhance an existing agricultural parcel and operation.

Additional Comments:

Following circulation of the application, and review of Municipal file, it has come to light that there is a storm drain and overflow route from the existing pond, and same crosses over the proposed severed boundary. The applicant has confirmed this storm drain is present. It has been made a condition of the consent that an easement over this feature is required as part of the completion of survey and reference plan.

This application has been circulated to municipal agencies for review and comment. Conditions have been included accordingly.

The application was circulated for public comment. Three (3) Letters were received from neighbors noting no concern with the proposed consent for boundary adjustment, but wondered if mitigation measures could be put in place regarding noise of a pump operating on the subject parcel, and preventative measures should any future expansion of this operation occur. On further discussion with the lawyer it has been confirmed that "once the pond is transferred to the greenhouse owners, no water will be pumped from the pond. Historically, the pumps were used to irrigate the filed adjoining the pond. The owners of that field, i.e. my clients, will no longer have access to the pond. In the future, there will be no pump used by my client i.e. the water in the greenhouse is well water."

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

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.

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, and include an easement for the drain.

Zoning

5. 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

6. The severed land merge on title with the abutting property to the north (70586 Airport Line, Township of Stephen, currently in the ownership of Veri Hydroponics Inc.) upon issuance of the certificate under Section 53(42) of the Planning Act, RSO 1990, as amended.
7. 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 north (70586 Airport Line) 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.
8. Section 50(3) of the Planning Act, RSO 1990, as amended, applies to any subsequent conveyance or transaction of the retained land.

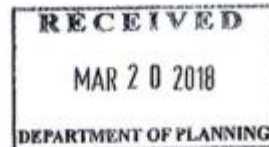
Stormwater Pond

9. The applicant's legal council shall submit a draft transfer easement to the satisfaction of the Municipality for review, to effect the right, in perpetuity for the lands to be enlarged to access, operate, and maintain a storm drain on, over, under, across, along and through the retained lands. This shall also be identified as a separate part on the reference plan in order to identify the location of easement.

APPENDIX 1 – LETTERS RECEIVED ON APPLICATION

Exeter, March 19th 2018

Huron County Planning & Development Department
56 Napier Street, 2nd Floor
Goderich Ontario
N7A 1W2



To the attention of Senga Smith, Land Division Administrator

Re. File No. C 13/18 – Keith McLean on behalf of Noel, James and Michael Veri

Mrs. Smith,

We received a letter from your department dated March 6th 2018 informing us of the application for severance filed by Mr. Keith McLean for Part Lots 17 & 18, Concession 2, Stephen township.

We are the neighbours across the street (70561 Airport Line) from the subject property, greenhouse and pond. While we are not opposed to the severance and merging of the "pond" to become a part of the greenhouse property, we do have one main concern that we would like to bring to your attention.

In past summer months there is a large mobile diesel powered irrigation pump that has been used at the pond. This pump runs both during the day and overnight, creating significant and consistent noise.

We kindly request that the noise created by the diesel pump(s) be addressed by locating the pumps inside a small soundproofed building to contain/limit the noise.

Our concern for noise created by diesel pumps is further heightened due to the future planning of the greenhouse with recent publications highlighting its planned sale and future expansion by 1.5x its current operational size.

We would request that there is a provision included in any potential approval that any pumps or equipment be located inside a building to mitigate the noise effects for surrounding properties.

We would appreciate being kept informed of the decision process.

Best Regards,

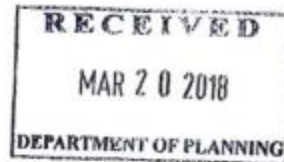
A handwritten signature in blue ink, appearing to read "Pieter & Maria Schroeders". The signature is stylized and fluid.

Pieter & Maria Schroeders

P.O. Box 190
Exeter Ont.
NOM 1S6
519-878-7749

Lucan, March 19th 2018

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Best Regards,

A handwritten signature in blue ink, appearing to read "Pieter Schroeders".

Pieter Schroeders
President, 1433468 Ontario Inc.

P.O. Box 190
Exeter Ont.
N0M 1S6
519-878-7749

Lucan, March 19th 2018

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Best Regards,

A handwritten signature in blue ink that reads "Eric". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Eric Schroeders

P.O. Box 190
Exeter Ont.
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519-282-7936