



PLANNING & DEVELOPMENT

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Consent Application Report – File # C44/2018

| | |
|---|-----------------------|
| Owner: Larry and Lorne Ballentyne | Date: August 24, 2018 |
| Applicant: Doug Culbert | |
| Property Address: Thames Road | |
| Property Description: Conc S Thames Road PT Lot 8, Usborne 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: 16 ha (39.5 ac) | Agriculture, Natural Environment | General Agriculture Special Provisions (AG1-18) |
| Retained: 23 ha (56.8 ac) | Agriculture and Natural Environment | General Agriculture Special Provisions (AG1-18) |

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
- X 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) | | | <ul style="list-style-type: none">- No natural heritage concerns.- Concerned that application fragments the hazard lands.- Suggested a setback of at least 8m from the top of the channel bank. |
| Neighbours/Public | √ | | None received. |
| Huron County Highways | | √ | |
| Huron County Health Unit | N/A | | |
| South Huron Staff | | | See conditions. |

Figure 1: Aerial of subject property. Retained parcel identified in yellow. Severed parcel identified in red. Severed and retained parcels are proposed to be added to respective abutting parcels shown in blue.

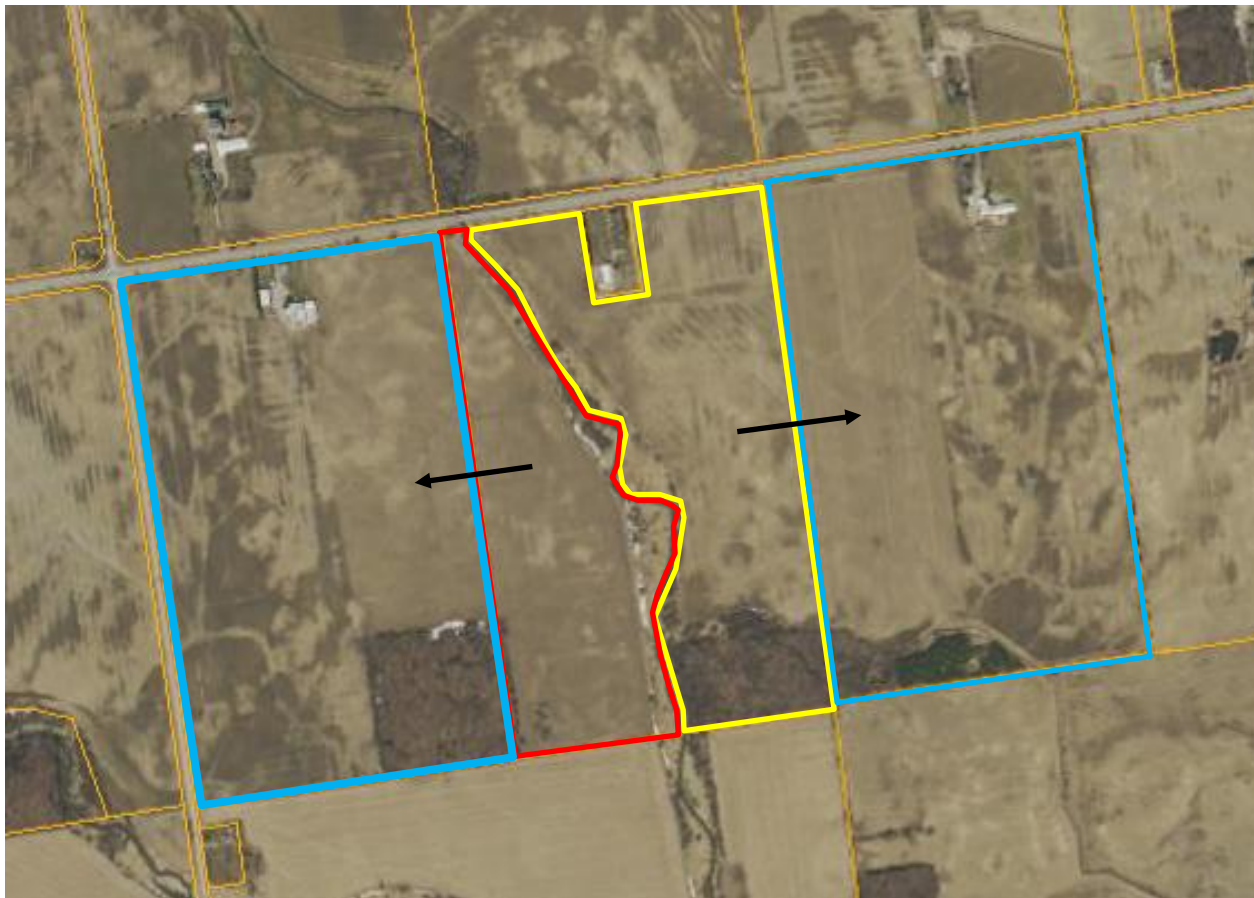


Figure 3. Applicant sketch indicating proposed severance.

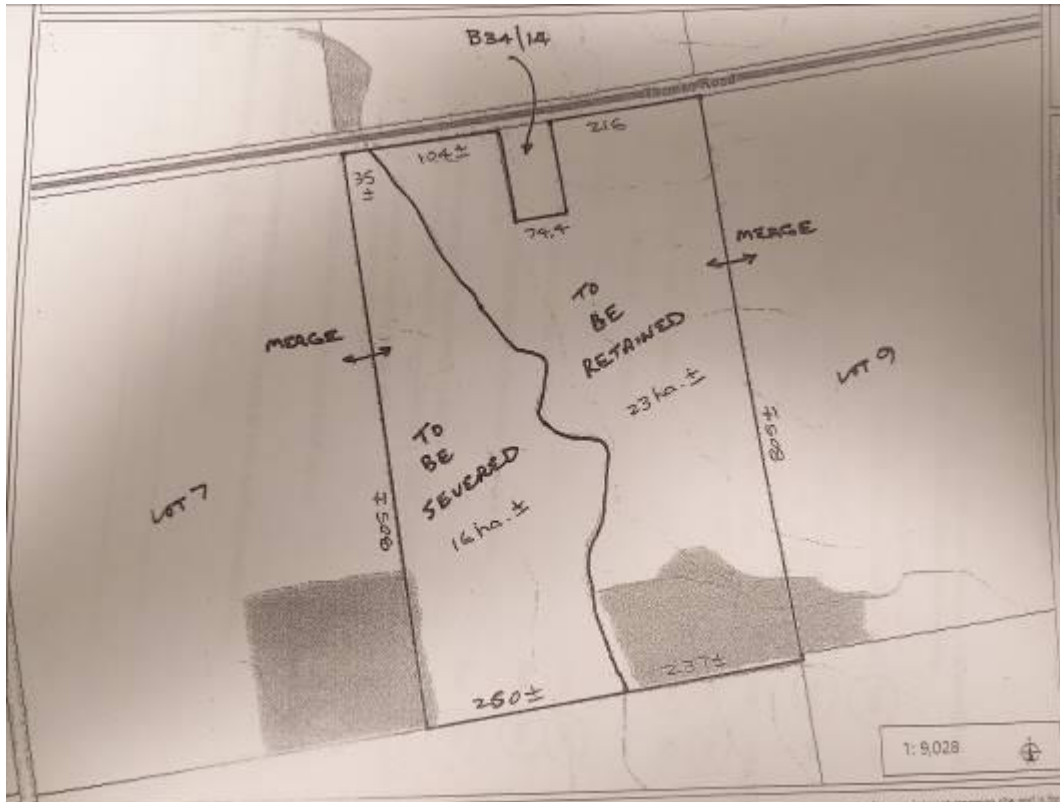


Image for illustrative purposes only. A survey is required condition of consent.

Figure 4 and 5. Photos of Severed (Left) and retained (Right) parcels facing south.



Purpose

The purpose of this application is to sever a 16ha parcel of agricultural land and retain a 23ha parcel of agricultural land. Under the consent the applicant proposes that the severed and retained parcels will each merge with an abutting farm parcel to form two larger farm units. The severed parcel is currently vacant and proposed to be added to 40837 Thames Road which currently operates as a farm parcel with existing buildings and structures. The retained parcel is also vacant farmland that is proposed to be added to lands located at 41071 Thames Road which include existing farm buildings.

Review

Provincial Policy Statement

Section 2.3.1 of the Provincial Policy Statement states that Prime Agricultural areas shall be protected for long-term use for agriculture. Section 2.3.4.1 states that lot creation in prime agricultural areas is discouraged except for the permitted uses of: agricultural uses, provided the lots are of appropriate size for type of agricultural use(s) common in the area and sufficiently large to maintain flexibility for future changes in the type of or size of agricultural operations. It is believed that the proposed severed parcels, and their merger with the abutting lands will result in two farm parcels that are appropriate size and will remain viable for future agricultural operations.

South Huron Official Plan

The South Huron Official Plan permits consents in lands designated Agriculture which state:

1) Where the land being conveyed or retained is for agricultural purposes, a consent may be granted where both the severed and retained parcels respect the need for long term agricultural flexibility. In determining if the land is to be used for agricultural purposes, the following criteria will be met:

- *The proposed operation must be an agricultural operation either by itself or in conjunction with other lands owned by the operator;*
- *Agriculture must be the intended use of the lands being conveyed;*
- *A minimum lot size of 38 hectares.*

The subject parcel as it exists today is 39 hectares in size and meets the requirement of a minimum 38 hectare lot size in the Agricultural area. The parcel proposed to be severed is approximately 16 hectares and the parcel to be retained is approximately 23 hectares. Although each parcel individually would not meet the minimum lot size stipulated in the Official Plan, the applicant proposes that both the severed and retained parcels merge with existing abutting farm parcels that currently operate as agricultural operations. Under consent, the severed parcel will merge with an existing property at a size of 40.2 hectares for a total lot area of 56.2 hectares. The retained parcel will merge with an existing property at a size of 40.2 hectares for a total lot area of 63.2 hectares. As a result of this consent the two resultant farm

parcels will each meet minimum lot area provisions in the South Huron Official Plan. Further, the intent of the consent proposed is to continue agriculture as the main use on the properties, each parcel is an existing agricultural operation, and each parcel will continue to be used for agriculture use after severance. On review of the property layout, the location of the creed running north-south through the property creates a logical location for a dividing line and similar severances have been recommended by the Huron County Planning and Development department previously. The severance proposed along the watercourse also maintains access to each respective parcel. The severed and retained lands, and the lands to which they will be added to can be accessed and worked as two separate agricultural parcels.

Additional Comments:

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

Comments were received from the Ausable Bayfield Conservation Authority (ABCA). ABCA indicated that although they had no natural heritage concerns with the proposed severance they were concerned with the proposed severance through the natural hazard area being the through the centerline of the watercourse, and therefore effectively fragmenting the hazard area. The ABCA suggests that the proposed lot line follow the limit of the hazard area and be set back a minimum of 8m from the top of the channel bank.

Summary:

As this application represents lot creation in the Agricultural area and results in two farm parcels that meet the minimum lot size, and policies set out in the South Huron Official Plan, it is recommend the consent as submitted **be approved** with the following conditions.

Sincerely,

'Original signed by'

Sarah Smith

August 24, 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 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.

Merging

7. The severed land merge on title with the abutting property to the west (40837 Thames Road, Conc S Thames Road Lot 7, Township of Usborne currently in the ownership of 1058481 Ontario Inc.) and the retained lands merge on title with the abutting property to the east (41071 Thames Road, Conc S Thames Road Lot 9, Township of Usborne currently in the ownership of Govers David John) 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 (40837 Thames Road, Conc S Thames Road Lot 7, Township of Usborne currently in the ownership of 1058481 Ontario Inc) be consolidated into one P.I.N. under the Land Titles system and that the retained lands and the abutting property to the east (41071 Thames Road, Conc S Thames Road Lot 9, Township of Usborne currently in the ownership of Govers David John) 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.