



PLANNING & DEVELOPMENT

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Consent Application Report – File # C48/2018

Owner: Leon and Helen Coolman	Date: September 24, 2018
Applicant: Leon and Helen Coolman	
Property Address: 39355-39381 Dashwood Road	
Property Description: CON N BDY E PT Lot 6	

Recommendation:

That provisional consent be:

- granted with conditions (attached)
- deferred (for ...)
- √ **denied (referred to County Council, for a decision)**

Purpose:

- enlarge abutting lot
- √ create new lot
- surplus farm dwelling
- right-of-way / easement
- other:

Area:	Official Plan Designation	Zoning
Severed: 2 acres (0.8 ha)	Agriculture	AG2-10
Retained: 45 acres (18.2 ha)	Agriculture, Natural Environment and Watercourse	AG2-10 and NE1

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)		√	ABCA made comment that it does not have any natural hazard or natural heritage concerns with the requested severance.

Neighbours/Public	√		None received.
Huron County Highways		√	Noted two lots could utilize existing driveway accesses. If changes are proposed to the existing entrances after construction of a new dwelling applicable application for new entrance/minor variance to Public Works would be required.
Huron County Health Unit		√	
South Huron Staff			South Huron Environmental Services department notes concern with development proposed adjacent to an active landfill due to issues associated with noise, odour, litter, methane gas and ground water impacts.

Purpose

Based on submission materials, the area proposed to be severed is approximately 2 acres (0.8 hectares) of vacant land; the existing two storage trailers are proposed to be removed. The applicant intends to construct a future residential dwelling on the severed parcel. The land to be retained is approximately 45 acres (18.2 hectares) and contains a house, shed, pavilion and cabin. Greenhouses were established on the proposed severed parcel in 2001, and then in 2011 the use discontinued and the greenhouse were removed. Subsequently, the owners planted trees on this portion of the property rather than returning it to farmland. This consent proposes to create a vacant non-farm residential lot which is not supported by policy, the application is also not considered a surplus residential dwelling, nor has a residential use existed previously on the proposed area to be severed.

Review

Provincial Policy Statement

The Provincial Policy Statement, 2014 (PPS) Section 2.3.4.1 states that lot creation in prime agricultural areas is discouraged and may only be permitted for: agricultural uses, agriculture-related uses, a residence surplus to a farming operation and infrastructure. Section 2.3.4.3 explicitly prohibits the creation of new residential lots in prime agricultural areas unless they are a residence surplus to a farming operation. As the severance proposes to create a vacant residential building lot in a prime agricultural area the application is not consistent with the Provincial Policy Statement.

Huron County Official Plan

The Huron County Official Plan Section 2.3.1 recognizes Huron County as a prime agricultural area which includes the subject property. Non-farm related development is directed to settlement areas. Further, Section 2.3.7 discourages lot creation in prime agricultural areas and only permits severances for agricultural purposes, commercial and industrial uses directly related to agriculture, a residence surplus to a farming operation, infrastructure and public service utilities that cannot otherwise be accommodated, and minor lot adjustments subject to the local Official Plan. As the severance proposes to create a vacant residential parcel in a prime agricultural area, and does not meet the requirements of Section 2.3.7, the application does not conform to the County Official Plan.

South Huron Official Plan

The lands proposed for severance are designated Agriculture in the South Huron Official Plan.

Section 4.3.5 discourages uses which are not primarily related to agriculture from establishing in the agriculture area.

Section 4.4.2 Lot Size states that lot sizes shall be based on the long-term needs of agriculture and shall ensure lands remain flexible for all forms of agriculture as promoted by this Plan. Lands must be used for the production of food, fibre, biomass or livestock. A minimum lot size of 38 hectares shall apply to all new lots being created and is based on the long term needs of Agriculture.

Section 4.4.9 Non-Agricultural Development states that agricultural lands as designated should be protected. Non-agricultural development shall be directed to locate in the settlement areas.

Agricultural Land Division Policy Section 13.3.1.1 states where the lands 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. Further, the proposed operation must be an agricultural operation, agriculture must be the intended use of the lands being conveyed, and a minimum lot size of 38 hectares is required.

Agricultural Land Division Policy Section 13.3.1.6 states that consents will not be allowed which have the effect of creating a use not directly related to agriculture. Non-farm rural residential lots will not be allowed.

The subject lands are also located within the identified 500 metre radius of the operating South Huron Landfill. Under Section 11.1.3.5 Development Adjacent to Landfill Sites, no development will be permitted within the identified influence of an open or closed landfill until satisfactory measures have been implemented to mitigate the impacts from the landfill site including but not limited to review under Ministry of Environment Guideline D-4 Land Use on or Near Landfills and Dumps. South Huron staff also noted concern with development/building within proximity of an open landfill, including concern such as noise, odour, litter, methane gas and ground water impacts.

The proposed severed lands would have the effect of creating a non-farm rural residential lot. The proposed consent also creates a deficient severed parcel size and a deficient retained parcel size. The proposed severance also does not meet requirements for development adjacent to a landfill. This application does not conform to the South Huron Official Plan policies.

Township of Stephen Zoning By-law 12-1984

The subject lands are currently zoned AG2-10 (Restricted Agriculture Special Provisions) in the Township of Stephen Zoning By-law. The special provisions under this zone stipulate a minimum lot area of 19 hectares (46 acres). According to the MPAC data, the subject lands are 19.3 hectares (47.75 acres) in size. The proposed consent would result in a severed parcel of 0.8 hectares (2 acres) and a retained parcel of 18.2 hectares (45 acres). The proposed consent does not conform to the Township of Stephen Zoning By-law.

Figure 1: Aerial of subject property. Severed parcel identified in red. Retained parcel identified in yellow.



Figure 2: Aerial view of severed parcel.



Figure 3 and 4. Photos of lands proposed to be severed.



Summary:

This application is not consistent with the Provincial Policy Statement, and does not conform with the Huron County Official Plan and the South Huron Official Plan. It is recommended this consent application be denied.

While there are no precedents set for planning applications, it would be reasonable to expect that if this application to create a non-farm residential lot in an Agricultural area is approved, Council will receive similar applications, all expecting a similar approval.

In 2010, Huron County Council approved a similar severance application to create a non-farm residential lot in an Agricultural area. The decision was appealed to the Ontario Municipal Board by the Ministry of Municipal Affairs and Housing, the Ontario Federation of Agriculture and a private property owner. The applicant ended up withdrawing the application.

Conditions have not been included because it is recommended that this application be denied.

Sincerely,

'Original signed by'

Sarah Smith

September 24, 2018

Date