

# Planning Justification Report

## Proposed Residential Development: Exeter Golf Course

Part Lot 11, Concession 2, Usborne Ward, Municipality of South Huron, Huron  
County, ON

**May 2018**

Prepared for:

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## Table of Contents

<b>1. INTRODUCTION .....</b>	<b>1</b>
1.1 Purpose.....	1
1.2 Pre-Application Consultation .....	1
1.3 Subject Lands .....	1
<b>2. LAND USE CONTEXT.....</b>	<b>4</b>
2.1 Adjacent Land Uses.....	4
<b>3. PLANNING FRAMEWORK AND ANALYSIS .....</b>	<b>5</b>
3.1 Provincial Policy Statement .....	5
3.2 County of Huron Official Plan .....	6
3.3 Municipality of South Huron Official Plan.....	6
3.4 Township of Usborne Zoning By-law.....	8
<b>4. PROPOSED PLANNING APPROVALS .....</b>	<b>9</b>
<b>5. CONCLUSION .....</b>	<b>10</b>

## 1. INTRODUCTION

### 1.1 Purpose

**Monteith Brown Planning Consultants ("MBPC")** has been retained by **1803531 Ontario Limited & Jeffery Kints**, to submit applications, along with supporting planning documentation, to permit the development of seven (7) existing, vacant lots of record in the Municipality of South Huron. An Application for an Official Plan and Zoning By-law Amendment is being filed concurrently with this report, being required to facilitate the development of the lots for residential purposes, namely, the construction of single unit detached dwellings.

The proposed Official Plan Amendment seeks to re-designate the subject lands from 'Recreational' to 'Recreational – Exeter Golf Course Special Policy Area' to permit the proposed single unit detached dwellings, notwithstanding the policies of the Plan which do not otherwise provide for, or allow, dwellings to be erected on existing lots of record on lands designated 'Recreational'. At the same time, a re-zoning of the subject lands is also being applied for from Rural Golf Course (AG5) to "site-specific" Rural Golf Course (AG5-#). This zoning would restrict the permitted use of the lots for residential purposes and accessory uses.

An Official Plan Amendment and Zoning By-law Amendment were originally filed with the Municipality in 2014. Council refused the applications. For the applications now at hand, the most significant difference from the application for an OPA filed in 2014 is the proposal to now change the OP designation to 'Recreational – Exeter Golf Course Special Policy Area' as opposed to 'Agricultural'.

### 1.2 Pre-Application Consultation

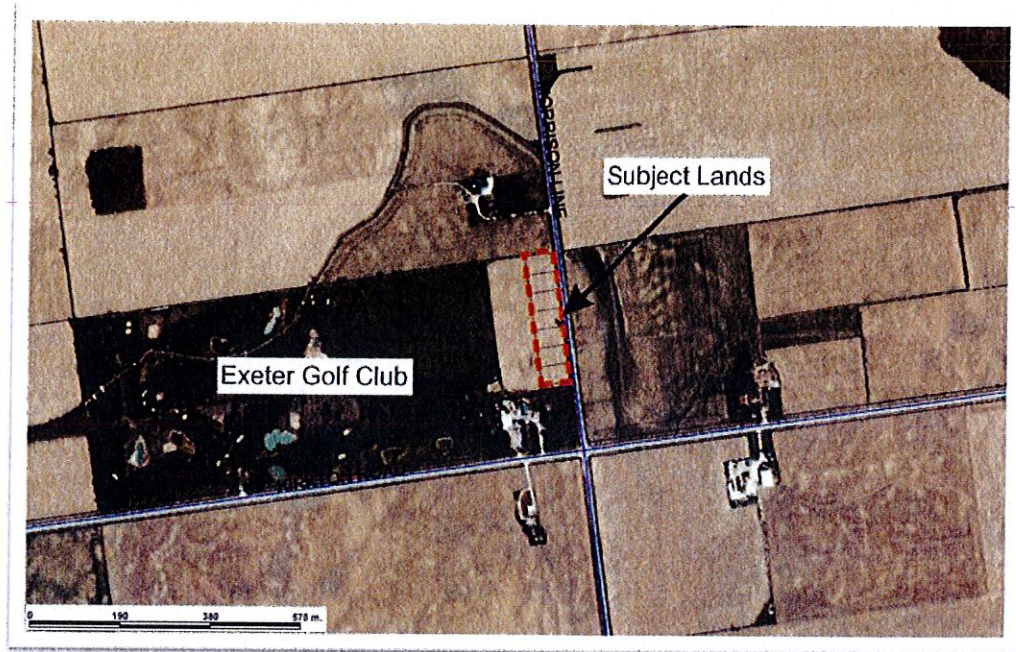
Pre-consultation meetings were held on 10 January 2014 with Ms. Trista Russell and again on 10 January 2018 with Ms. Sarah Smith in the Municipality's offices in Exeter to discuss the existence and status of the lots, the intentions of the owner Mr. Kints, and to identify any relevant issues and/or concerns. Through the discussions, it was concluded that an application for an Official Plan Amendment and a Zoning By-Law Amendment would be necessary.

It was noted that the subject lands were re-designated 'Recreational' in 2014. The 'Recreational' designation recognizes the existing golf course use (Exeter Golf Club) abutting the subject lands to the west, which comprises a separate parcel under different ownership.

### 1.3 Subject Lands

The subject lands are located in the Municipality of South Huron in the former Township of Osborne, situated along the westerly side of Morrison Line north of Kirkton Road. The lands have historically and continue to be cultivated with an area, in total, of 1.65 hectares (4.0 acres), a frontage of 271.4m (890 ft) along Morrison Line and a depth of 61.0m (200 ft). The topography of the subject lands is generally flat. There are no buildings, structures or natural heritage features on the subject lands.





**Figure 1 – Location of the Subject Lands**

*Source: Google Mapping, 2018*

The lots were created on April 3, 1970, prior to subdivision control coming into effect in the former Township of Usborne. Accordingly, their integrity as saleable entities to others has been retained. Additional lots created at the same time and fronting on the north side of Kirkton Road have since merged in title with the Exeter Golf Club. The current owner acquired the subject lands and the abutting Exeter Golf Course in 2013.



**Figure 2 – Location of the Subject Lands**

*Source: County of Huron Mapping*

As shown on Appendix 1, six of the seven lots (Parts 33 to 38) each comprise an area of  $2,322.5\text{m}^2$  (0.6 ac), a frontage of 38.1m (125 ft) and a depth of 61.0m (200 ft). A seventh lot (Part 39) is slightly larger, having an area of  $2,606\text{m}^2$  (0.6 ac), a frontage of 42.8m (140 ft) and a depth of 61.0m (200 ft). The size and shape of the lots is more than sufficient to accommodate a typical contemporary single-detached dwelling (refer Appendix 2). The lots are capable of satisfying all of the development standards of the Agricultural Small Holding (AG4) Zone, being the typical zoning of choice and routinely applied on a wide-spread basis in the rural areas of South Huron. Nevertheless, the application of a "site-specific" Rural Golf Course (AG5-#) zone which would restrict the permitted use of the lots for residential purposes and accessory uses is considered appropriate and would complement the proposed 'Recreational – Exeter Golf Course Special Policy Area' designation in the Official Plan.

The land under cultivation at the east end of Lot 11, Concession 2 amounts to approximately 3.7 ha (9.1 acres) in total of which 1.65 ha comprises the existing lots. The remaining cultivated lands are and would remain under the ownership of the Exeter Golf Club of which Mr. Kints is the principle shareholder.

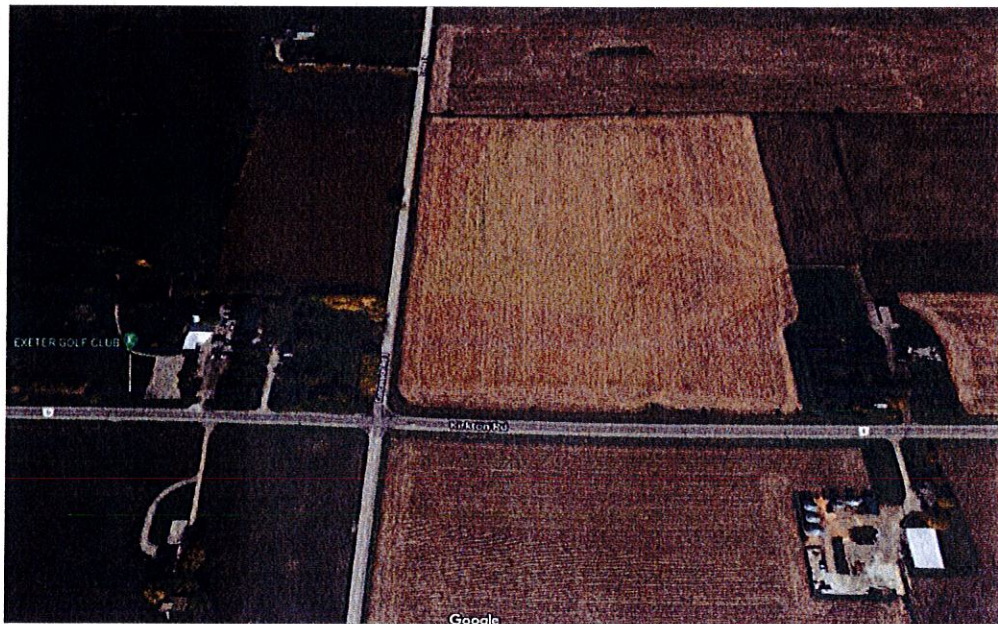


## 2. LAND USE CONTEXT

### 2.1 Adjacent Land Uses

The subject lands are primarily surrounded, with the exception of the Exeter Golf Club to the west, by agricultural lands which have been largely cleared and are in use for productive farming purposes.

A grain drying and self-storage elevator operation is situated approximately 390 metres southeast of the subject lands. The facility is operated seasonally at all hours. The owner, Rollinlea Farms Ltd (J. & D. McBride), have expressed concerns in the past regarding future noise complaints from the proposed residential development and interference with possible expansion plans. Alternatively, J. & L. Milner (40478 Kirkton Road) have advised that they are not opposed to the proposed development and are of the view that it would not restrict their farm operation. Although it had previously noted that there were several livestock operations in the vicinity of the subject lands, Mr. Kints has advised that there are not. A farm situated north of the subject lands at 70501 Morrison Line is owned by Mr. Kints. The barn situated on this farm is no longer used to accommodate livestock and is now vacant. The barn will either be potentially demolished or, in the alternative, converted for non-livestock purposes.



**Figure 3 – Neighbouring lands**

*Source: Google Mapping*

### 3. PLANNING FRAMEWORK AND ANALYSIS

#### 3.1 Provincial Policy Statement

The Provincial Policy Statement 2014 ("PPS") provides policy direction on matters of provincial interest related to land use planning and development. Any decision by a planning authority that requires approval under the Planning Act, "shall be consistent with" policy statements issued under the Act. The relevant PPS policies in this instance are identified as follows:

*"prime agricultural areas shall be protected for long-term use for agriculture"[Section 2.3.1]  
"....long-term economic prosperity should be supported by ... providing opportunities to support local food, and promoting the sustainability of agri-food and agri-product businesses by protecting agricultural resources, and minimizing land use conflicts"  
[Section 1.7.1(h)].*

In the above-noted context, we note that PPS states:

*"the Provincial Policy Statement is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation....**There is no implied priority in the order in which the policies appear....Some of the policies refer to specific areas or features and can only be applied where these features or areas exist. Other policies refer to planning objectives that need to be considered in the context of the municipality or planning area as a whole, and are not necessarily applicable to a specific site or development proposal.***

*1.7.1 Long-term economic prosperity should be supported by:*

*h) providing opportunities to support local food, and promoting the sustainability of agri-food and agri-product businesses by protecting agricultural resources, and minimizing land use conflicts.*

We submit that the policies of PPS pertaining to the need to protect prime agricultural areas are not applicable to the applications at hand insofar as the subject lands are already situated in a designated 'Recreational' area. In fact, the Ontario Municipal Board, in other instances, has noted that under such circumstances lands may not necessarily be considered part of the 'prime agricultural area' given the non-agricultural designation placed on them (Case No. PL1611281 - Thompson Orchards, Municipality of Chatham Kent, 2018).

The issue in this instance is one of potential land use compatibility, not the protection of prime agricultural land. Land use compatibility will always be an issue in rural areas and is unavoidable. The established presence of the golf course and its operation as such for a considerable period of time without documented complaint from neighbouring agricultural operations (of which we are aware) suggests to us that this formed part of the basis for applying the 'Recreational' designation to the subject lands in the first place.

While the Provincial Policy Statement (PPS) 2014 and its predecessors do not specifically address development on existing lots of record in prime agricultural areas, it has been generally understood and widely accepted in practice that such lots legally exist and are not prohibited



outright from being developed. Indeed, the Official Plan of the Municipality of South Huron explicitly recognizes lots of record and permits their development for residential purposes. The protection afforded to the agricultural land base and agricultural operations in the rural area must be balanced equally and considered against all other policies of the PPS and, on this basis, the applications for official plan amendment and zoning by-law amendment are consistent with the Provincial Policy Statement.

### 3.2 County of Huron Official Plan

Under the County of Huron Official Plan, the subject lands are located in a prime agricultural area. Section 1.2 states that the *"policies and actions [of the County OP] are general policies and are provided as guidelines."*

The agricultural policies of the County OP (Section 2.3), refer only to lot creation with respect to non-farm related development in prime agricultural areas and not existing lots or previously created lots of record. While the plan states that *"Non-farm development will be directed to settlement areas."* [Section 2.3(6)], this policy and the ensuing policies speak directly to new lot creation for non-farm related uses in designated agricultural areas and not existing lots of record in designated recreational areas. Historically speaking, the County Official Plan has not to our knowledge prohibited the development of existing lots of record in Huron County.

Other references to "development" in agricultural areas use language that is less prescriptive. For example, the Plan states that, *"development should be directed to urban areas (...)"* [Section 2.2] which suggests that there is opportunity within the framework of the County Plan to permit future development on existing lots of record where no new lots are proposed to be created.

On this basis, we are of the view that the intent of the County of Middlesex Official Plan is capable of being maintained.

### 3.3 Municipality of South Huron Official Plan

The subject lands were re-designated from 'Agriculture' to 'Recreational' as depicted on Schedule 'B' and 'B2' through the process of the Municipality's 5-Year Official Plan Review. The resulting amendment was approved by the County of Huron and came into effect on February 25, 2014. As residential uses are not permitted within the 'Recreational' designation, it is proposed that the designation of the subject lands be changed to 'Recreational – Exeter Golf Course Special Policy Area'.

A 'Special Policy Area' designation would effectively identify the subject lands as comprising a unique situation -- providing for limited residential development confined to the existing lots of record only and subject to any additional development controls deemed necessary by the Municipality. Such a designation would not be the first such application or approach, with the Klondyke Special Policy Area being noted on the OP lands use plan schedules.

Policies for a 'Special Policy Area' designation are typically applied in 'site-specific' instances where the application of existing OP policies would not accurately reflect or convey the intent of the Municipality with respect to the future use of the land. A 'Special Policy Area' designation would be considered in situations where the change in land use is site specific and is appropriate given the mix of uses in the area. It would also be appropriate in instances where the change in land use is site specific and the lands are located in an area where the Municipality wishes to



maintain an existing land use designation while allowing for a site-specific use. Such a 'Special Policy Area' would also be appropriate in situations where policies are required to restrict the range of permitted uses, or to restrict the scale and density of development normally permitted in a particular designation.

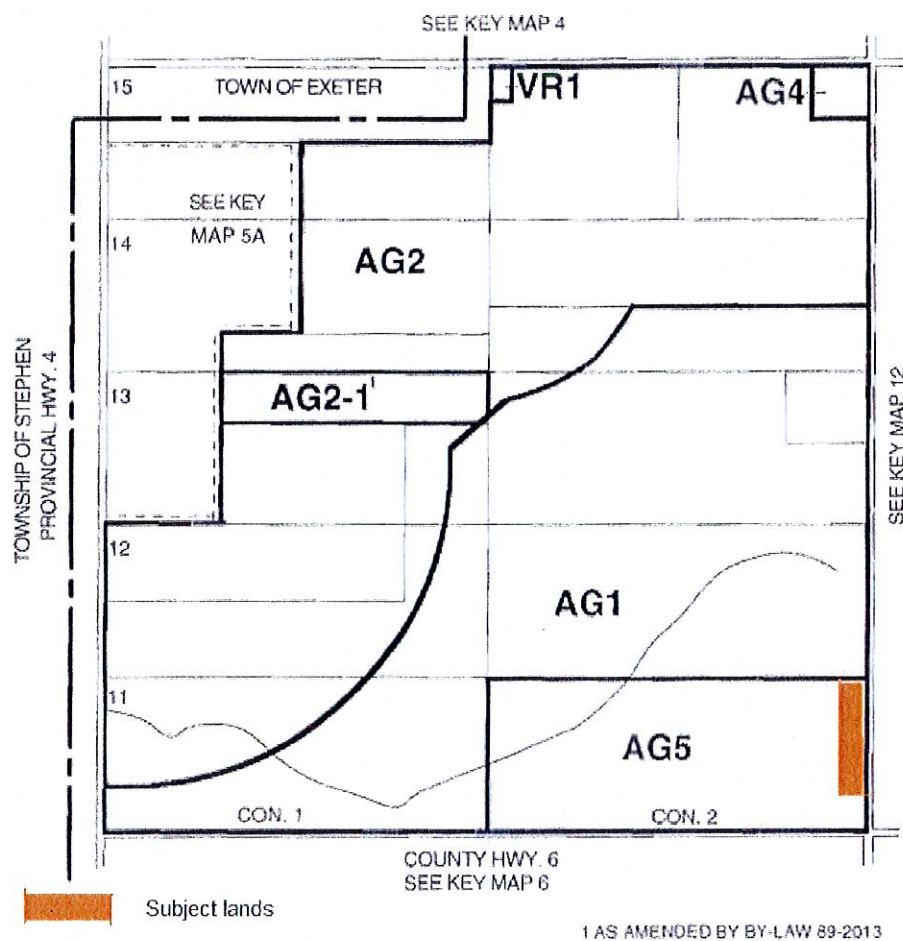
While the existing lots in this case are in a non-agricultural (i.e. 'Recreational') designation, the criteria applied to residential lots in designated agricultural areas (Section 4.4.3) is considered valid for the purposes of assessing the appropriateness of their use for residential purposes.

- a) compliance with Minimum Distance Separation (MDS) requirements.  
*based on information provided to us by the owner, there are no livestock buildings in the vicinity of the subject lands. A barn situated on abutting lands to the north also owned by the proponent is proposed to be either demolished or converted.*
- b) connection to municipal water and/or sewage services If municipal water and/or sewage available.  
*connections not available.*
- c) Where municipal water and/or sewage services not available, soils to be suitable for sewage disposal and an adequate supply of potable water is available, in accordance with the Ontario Building Code.  
*technical reports previously filed (BOS Engineering & Environmental Services Inc. dated May 27, 2014 and Wilson Associates dated May 30, 2014), both of which support suitability for on-site sewage disposal system and the availability of an adequate supply of potable water.*
- d) The site is suitable for residential construction.  
*lots are adequately sized for low-density single-detached dwellings. There are no apparent physical constraints to development.*
- e) The site satisfies the criteria of the Conservation Authority, including applicable regulations to the Conservation Authorities Act.  
*subject lands are not located within the Conservation Authority's Regulation Limit, and development, therefore, is not subject to approval by the ABCA.*
- f) The site is able to obtain safe access to an open public road.  
*existing lots front onto Morrison Line -- an open hard-surfaced public road under the jurisdiction of the Municipality of South Huron and maintained year-round. Morrison Line runs straight and flat in this area. There are no apparent traffic related safety issues (i.e sight lines) and no known access restrictions. It is acknowledged that new entrances would have to be constructed in compliance with the Municipality's minimum design standards for new entrances.*

Based on this analysis, the proposed Official Plan Amendment and Zoning By-Law Amendment would conform to the South Huron Official Plan.

### 3.4 Township of Usborne Zoning By-law

The lands are currently zoned Rural Golf Course (AG5) [Schedule "A" Key Map 5 of the Township of Usborne Zoning By-Law No. 013-84].



The subject lands comprise existing Lots of Record defined in of the Zoning By-Law as:

*(...) a lot or parcel of land that can be legally conveyed and which includes lots on registered plans of subdivision, parcels created by consent in accordance with the Planning Act, or any other distinct and separate holding, the deed to which is registered in the Land Registry Office and which lot or parcel of land was legally created prior to the date of passing of this By-Law."*(Section 2.85)



To permit their development for residential purposes in conformity with the proposed Official Plan Amendment, a rezoning to "site-specific" Rural Golf Course (AG5-#) would seem appropriate to restrict the permitted use of the lots for residential purposes and accessory uses. As depicted in the table below, the existing lots of record are readily capable of satisfying all of the standards of the AG4 zone – being the zoning typically applied to rural residential lots.

**Table 1: Summary of Existing and Proposed Zoning Regulations**

Regulations	Existing AG4 Zone	Proposed AG5-# Zone
Min. Lot Size	1,850m <sup>2</sup>	2,323m <sup>2</sup>
Max. Lot Size	4.0ha	4.0ha
Min. Lot Frontage (m)	23.0m	38.1m
Min. Front Yard (m)	17.0m	17.0m
Min. Interior Side Yard (m)	5.0m	5.0m
Min. Exterior Side Yard (m)	17.0m	17.0m
Min. Rear Yard (m)	7.6m	7.6m
Max. Lot Coverage (%)	30%	30%
Max. Building Height (m)	12.0m	12.0m
Min. Dwelling Unit Floor Area	84.0m <sup>2</sup>	84.0m <sup>2</sup>

#### **4. PROPOSED PLANNING APPROVALS**

At this time the proponent wishes to advance an Application for Official Plan Amendment and Application for Zoning By-law Amendment. Based on the analysis provided in Section 3 of this report, the need for additional planning approvals has not been identified at this particular time.

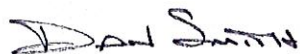
## 5. CONCLUSION

Based on our review and analysis, the proposed applications for Official Plan Amendment and Zoning By-law Amendment are consistent with the policies of the 2014 Provincial Policy Statement and would maintain the general intent and purpose of both the County of Huron Official Plan and Municipality of South Huron Official Plan. The applications would maintain the general intent and purpose of the Township of Usborne Zoning By-law.

Of particular note is the fact that the subject lands comprise existing lots of record. The lots were legally established almost 50 years ago and all are conveyable. They are not lots on a registered plan of subdivision (within the meaning of the Planning Act) and are not, therefore, candidates for "deeming" under Section 50(4) of the Act. If the Province was truly concerned with respect to the disposition of such existing lots throughout the rural area which were created in such a manner, it is presumed that the Planning Act would have been amended years ago to allow municipalities the ability to "deem" such lots in the same manner as they are able to deal with lots on a registered plan of subdivision. Such has not been the case.

Respectfully Submitted,

**MONTEITH BROWN PLANNING CONSULTANTS**



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DS:jmc



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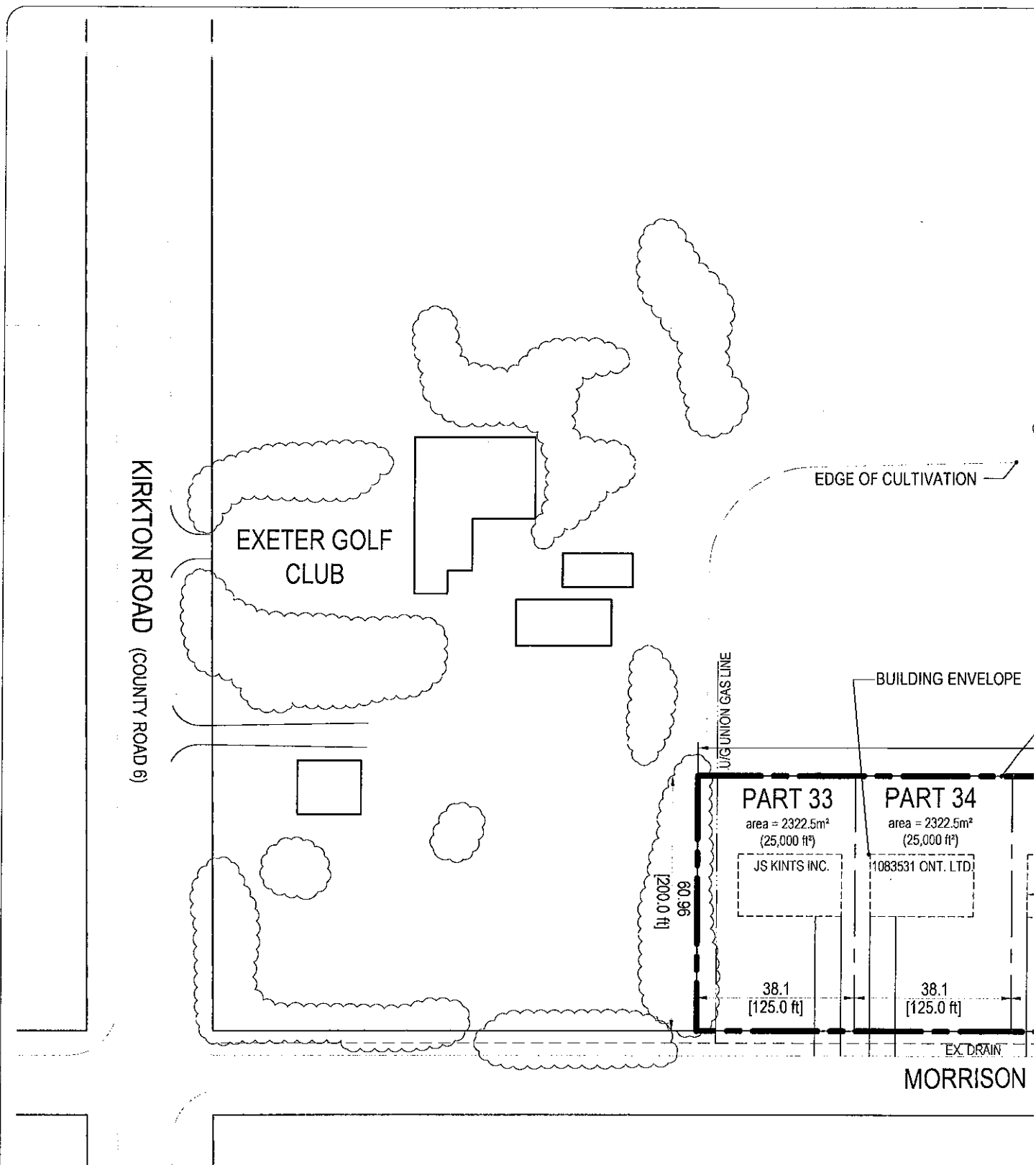
[jmcguffin@mbpc.ca](mailto:jmcguffin@mbpc.ca)



# APPENDIX 1

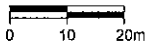
EXISTING LOTS OF RECORD  
PART 33 to 39 PLAN RD No. 52, CONCESSION 2, LOT 11  
MUNICIPALITY OF SOUTH HURON

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SCALE

1 : 1250



DRAWN BY B.S.

CHECKED BY T.H.

PROJECT No. 13-2801

PLDT: May 27, 2014 - 1:59pm

EXISTING LOTS  
PART 33 to 39 PLAN RD No. 5  
MUNICIPALITY OF  
FORMER TOWNSHIP  
COUNTY OF

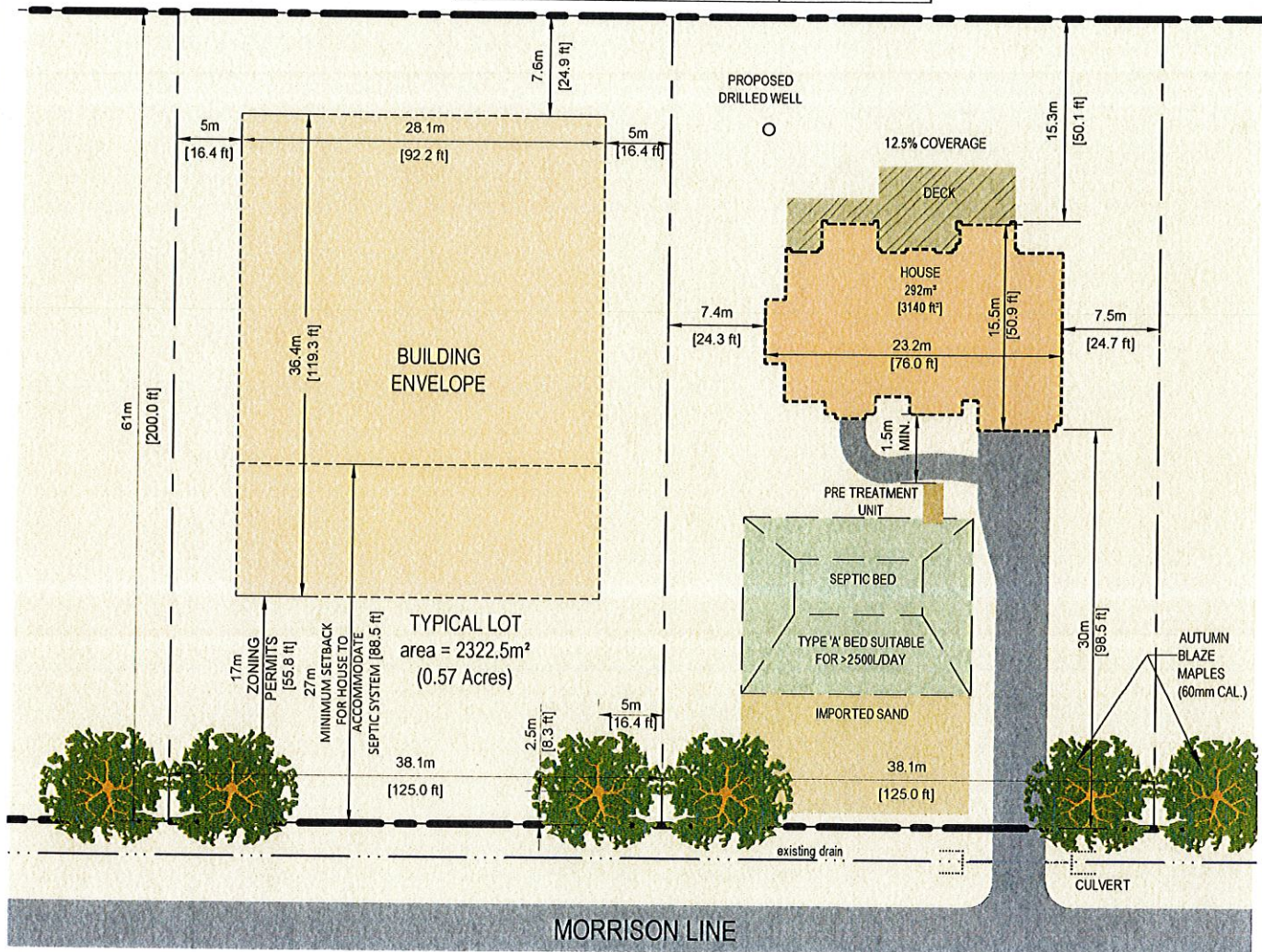


## APPENDIX 2

TYPICAL LOT & BUILDING FOOTPRINT  
CONCESSION 2, LOT 11  
MUNICIPALITY OF SOUTH HURON


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AG4 ZONE	REGULATIONS	TYPICAL
LOT AREA	1850m <sup>2</sup> Min. 4Ha Max.	2322m <sup>2</sup>
LOT FRONTAGE	23m Min.	38.1m
FRONT YARD	17m Min.	30m
SIDE YARD	5m Min.	7.4m
EXTERIOR SIDE YARD	17m Min.	N/A
REAR YARD	7.6m Min.	15.3m
LOT COVERAGE	30% Max.	12.5%
BUILDING HEIGHT	12m Max.	1 STOREY
DWELLING UNIT FLOOR AREA	84m <sup>2</sup> Min.	292m <sup>2</sup>
LOT SIZE WITH HOME OCCUPATION OR HOME INDUSTRY	2023m <sup>2</sup> Min.	N/A



SCALE

1 : 500



PLDT: Jun 16, 2014 - 1:31pm

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