



## PLANNING & DEVELOPMENT

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**www.huroncounty.ca**

### Consent Application Report – File # B70/2017

Owner: Tim and Joanne Turnbull	Date: November 9, 2017
Applicant: Tim and Joanne Turnbull	
Property Address: 70606 B Line	
Property Description: Lot 2, Concession B, Pt Lot 17, Concession 19, Stephen Ward	

#### 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 Severed: 2.43 acres (0.98 ha)	Official Plan Designation: Agriculture	Zoning: AG1
Area Retained: 98.5 acres (39.86 ha)	Official Plan Designation: Agriculture and Watercourse	Zoning: 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			One neighbor inquired about the relation of the consent to their property. After discussions they confirmed no concern with the consent.
Huron County Highways	√		
Huron County Health Unit			See conditions.
South Huron Staff			See conditions.

**Figure 1: Aerial of Subject Property. Retained Parcel identified in Yellow. Severed Parcel identified in Red. The applicant did provide confirmation that the retained parcel is considered one with lands abutting to the east.**



**Figure 2: Aerial of Severed Parcel.**



**Figures 3, 4 and 5: Photos of dwelling and accessory building on land 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:

<b>South Huron Surplus Residence Criteria</b>	<b>Subject Application Compliance with Criteria</b>
<i>House is surplus to a farm operator</i>	Yes, the retained lands are to be transferred to another farm operator who has proved the dwelling is surplus as they own other parcels with dwelling.
<i>House is at least 15 years old or replaces a house that was 15 years old.</i>	Yes, dwelling was built in 1989 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 building.
<i>MDS requirements are met where barns on neighbouring farms are <math>\geq 100</math> Nutrient Units.</i>	The applicant provided MDS information for capable or current livestock operations in the surrounding area, those of which are below 100 Nutrient Units. 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>	No, and therefore this policy is met.
<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 39.86 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 2 (two) 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, B ES

November 9, 2017  
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.

**Other**

11. The retained lands be registered in the name of Ducharme Farms Ltd.
12. If there is a private well on the property, it shall be decommissioned or the property owner shall confirm that it is not interconnected with municipal water service to the satisfaction of the Municipality.