

Consent Application Report – File # B47/2017

Owner: John and Betty Anne Christie	Date: September 5, 2017
Applicant: John and Betty Anne Christie	
Property Address: 42667 Perth Line 20	
Property Description: Part Lots 25 & 26, South Thames Road Concession, Usborne, Municipality of South Huron	

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: 0.64 ha (1.6 acres)	Official Plan Designation: Agriculture	Zoning: AG1
Area Retained: 52 ha (128.4 acres)	Official Plan Designation: Agriculture, Watercourse and Natural Environment	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 (UTRCA)		✓	
Neighbours/Public	None received		

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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.



Figure 2: Aerial of land to be severed



Figure 3: Photos of structures 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:

South Huron Surplus Residence Criteria	Subject Application Compliance with Criteria
<i>House is surplus to a farm operator</i>	Yes, the dwelling is considered surplus to the current owner. The owner has other farm holdings in their name with a dwelling.
<i>House is at least 15 years old or replaces a house that was 15 years old.</i>	Yes, dwelling was built in 1975 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 accessory structures required to service the building.
<i>MDS requirements are met where barns on neighbouring farms are ≥ 100 Nutrient Units.</i>	One farm data sheet was submitted with this application for the neighbouring farm to the north of the subject lands. Based on MDS calculations a required setback of 250m is required when the proposed lot is approximately 206m from the livestock occupied portion of this building. This distance can be considered minor and can be addressed in the standard condition for rezoning. The Provincial Policy Statement and Huron County Official Plan have also removed the requirement for MDS setbacks to adjacent barns

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	as it is recognized the dwelling already exists and will have no new impact to neighbouring livestock uses. 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 retained lands are proposed to be 52 hectares.
<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.

MDS Compliance

A farm data sheet was submitted with the application for one livestock operation north of the subject lands. Section 13.3.1.1 7) of the South Huron Official Plan requires that the severed parcel boundary meet the minimum distance separation requirements for any neighbouring barns having the ability to contain 100 or more nutrient units.

Based on the farm data sheet submitted, and MDS calculation this barn has 251.8 Nutrient Units and is therefore considered under Section 13.3.1.1 7). The outputted MDS requirement stipulates a minimum distance of 250 metres from the proposed severed parcel. The livestock occupied portion of the barn is located approximately 206 metres away from the proposed severed parcel. The actual distance separation between the closest neighbouring barn and the lot line is approximately 18% deficient to the required MDS. This deficiency could be recognized through a Minor Variance and can be addressed in the standard rezoning condition for surplus dwelling severances. The Huron County Official Plan has been amended to no longer require Minimum Distance Separation to be applied in the case of surplus farm residence severances. If the South Huron Official Plan were amended to reflect the policy of the County Official Plan then the application would conform to the South Huron Official Plan with respect to MDS as this setback would no longer be required.

For the above reasons, and that this setback can be considered minor through the standard rezoning condition, the Official Plan Policy is met for this severance. This application meets all the other requirements of the South Huron Official Plan.

Zoning By-law

The subject land 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 Agriculture Small Holding zone (AG4), allowing for an

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Agricultural Small holding use with a limited number of Nutrient Units permitted on the site. Based on the proposed lot size, and zone provisions set out in the Township of Usborne Zoning By-law, the proposed severed parcel would be limited to four (4) 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

September 5, 2017

Date

Date of Site Inspection: August 23, 2017

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 the notice 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.

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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.
10. The existing sewage distribution bed will have to be located to ensure the minimum 3 metre clearance to the proposed property line is maintained.

Storm Water and Drainage

11. Any tile drains crossing between the severed and retained parcel be cut and re-routed to the satisfaction of the Municipality of South Huron.

Note:

Due to the minimum clearances not being met for the existing drilled well to the existing septic bed, the Huron County Health Unit would recommend that the well be regularly tested to ensure that the water is potable.