

AGENDA
FOR THE TOWNSHIP OF NORTH HURON
PLANNING ADVISORY COMMITTEE MEETING
TO BE HELD AT THE NORTH HURON COUNCIL CHAMBERS
MONDAY, SEPTEMBER 21, 2015 AT 7:00 P.M.

Call to Order: 7:00 p.m.

Declaration of Pecuniary Interests.

File: **Application for Rezoning**

Part Lot 42 Concession 13,
56323 London Road, East Wawanosh Ward, Township of North Huron

Applicant: Debora Hopper
Owner: Wayne Hopper

1. Purpose of this Public Meeting.

The Purpose of this public meeting is for the Planning Advisory Committee of the Township of North Huron to consult with the public on the zoning amendment identified above.

2. Requirement for the Public Meeting

This Public Meeting is required to be held pursuant to The Planning Act, R.S.O. 1990, as amended, which requires that Council shall hold at least one Public Meeting and that all property owners within 120 metres (400 feet) of the area affected shall be given Notice of the Meeting by the Clerk of the municipality.

Pursuant to The Planning Act, R.S.O. 1990, as amended, Council shall forward to such boards, commissions, authorities, or other agencies as Council considers may have an interest in the proposal sufficient information to enable them to understand it generally.

3. Purpose of the Zoning Amendment:

This proposed Zoning By-law Amendment affects Part Lot 42, Concession 13, East Wawanosh Ward, Township of North Huron. The By-law proposes to change the zoning to 'Agricultural Small Holding (AG4)' and 'Restricted Agriculture (AG2)' from 'General Agriculture (AG1)'. This application for rezoning is a condition of Consent File B36-2014, which severs a surplus farm dwelling.

The severed lot is being rezoned from AG1 (General Agriculture) to AG4 (Agricultural Small Holding Zone). The severed parcel is approximately 1.1 ha (2.7 acres) and contains an existing dwelling.

The retained parcel is being rezoned from AG1 (General Agriculture) to AG2 (Restricted Agriculture) to prohibit any future construction of a residence, as required by the Provincial Policy Statement and North Huron Official Plan as a condition of a surplus residence severance. The retained farm lands are approximately 51 ha (126 acres) and will continue to be used for agricultural purposes.

4. Comments of the Huron County Planner.

Planner is/isn't present to provide verbal comments.

Huron County Planning & Development Department Report dated September 15, 2015 prepared by Laura Young, Planner (see attached).

5. Comments of the Applicant and/or Agent.

Applicant or Agent is/isn't present to provide verbal and/or written comments.

6. Comments of Others.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of North Huron before the by-law is passed, the person or public body is not entitled to appeal the decision of the Township of North Huron to the Ontario Municipal Board and may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to add the person or public body.

Members of the public are asked to provide comment.

7. Planning Advisory Committee Members' Questions and/or Comments.

Members of the Planning Advisory Committee are asked for any questions or comments and are reminded that a motion for the recommendation of the Committee will be called for toward the end of the public meeting (Agenda item 10).

8. Zoning By-law Procedure Following Public Meeting.

- Meeting is a Public Meeting of the Planning Advisory Committee, not a Council Meeting; thus a decision of Council may or may not be made this evening.

- If the By-law is passed, the Clerk is required to send Notice of the Passing of the By-law to all persons and agencies notified of this Public Meeting.

- There is a 20 day objection period from the time Notice of Passing of the By-law has been mailed by first class post, wherein submissions/letters of objection or support in respect to the passing of the by-law, will be received by the Clerk.

- If an objection is received, an Appeal is lodged with the Ontario Municipal Board (OMB) and at that point the Township no longer has any control over the time factor involved.

- If Council does not pass the by-law, the applicant may Appeal to the Ontario Municipal Board (OMB).

- If the by-law is passed and no objections are received within the objection period, the Clerk certifies that the by-law is in force and of effect as of the date of its passing and Notice is forwarded to the Huron County Planning & Development Department.

9. Recommendation of the Huron County Planning & Development Department.
Planner states recommendation. In the absence of the Planner the recommendation is read from the attached report from the Huron County Planning and Development Department.

It is recommended that the application for re-zoning **be approved.**

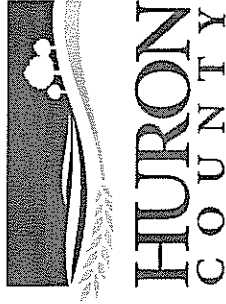
10. Recommendation to Council from the Planning Advisory Committee.

Note: (Only one of the following recommendations can be made by the Planning Advisory Committee – the wording of the possible recommendations are generic and may be augmented by the Planning Advisory Committee)

- A) That the Zoning Amendment be approved.
- B) That the Zoning Amendment be deferred for:
 - a. more information; or
 - b. confirmation that a particular standard has been met; or
 - c. notice that a related planning application has been passed by the County of Huron.
- C) That the Zoning Amendment be denied.

11. Adjournment.

That there being no further business before the Planning Advisory Committee, the Public Meeting be hereby Adjourned at p.m.



PLANNING & DEVELOPMENT

57 Napier Street, Goderich, Ontario N7A 1W2 CANADA

Phone: 519.524.8394 Ext. 3 Fax: 519.524.5677 Toll Free: 1.888.524.8394 Ext. 3

www.huroncounty.ca

To: Sharon Chambers, CAO
Reeve and Members of North Huron Council

From: Laura Young, Planner

Date: September 15, 2015

Re: **Zoning By-law Amendment, Part Lot 42, Concession 13, East Wawanosh, Township of North Huron (86323 London Road)**

Owner: Wayne S. Hopper

Applicant/Agent: Debora L. Hopper

This report is submitted to Council for the public meeting on September 21st, 2015.

RECOMMENDATION

It is recommended that the application for re-zoning be approved.

PURPOSE and DESCRIPTION

This proposed Zoning By-law Amendment affects Part Lot 42, Concession 13, East Wawanosh Ward, Township of North Huron. The By-law proposes to change the zoning to 'Agricultural Small Holding (AG4)' and 'Restricted Agriculture (AG2)' from 'General Agriculture (AG1)'. This application for rezoning is a condition of Consent File B36-2014, which severs a surplus farm dwelling.

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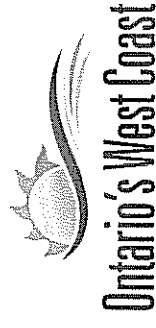
COMMENTS

The North Huron Official Plan permits consents for surplus farm dwellings. The application conforms to the North Huron Official Plan and is consistent with the Provincial Policy Statement. This Zoning By-law Amendment application is a condition of Consent File B 36/14.

OTHERS CONSULTED

No correspondence had been received at the time of writing this report. I will be in attendance at the September 21st public meeting to answer any questions from Council or the public.

“Planning with the community for a healthy, viable and sustainable future.”



Sincerely,

Original Signed By

Laura Young, Planner

PHOTOS OF THE SUBJECT PROPERTY



Standing on London Road, looking at the severed parcel

Consent Application Report – File # B50/2015

Owners and Applicant: Ron and Alice McDowell	Date: September 15, 2015
Solicitor: John Schenk	
Property Address: 84359 Hoover Line	
Property Description: Pt Lots 29 and 30, Concession 6, East Wawanosh, Township of North Huron	

Recommendation: That provisional consent be:

- √ granted with conditions (attached)
- deferred (for OPA to address MDS issue)
- 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: 26 ha (+/-) (64 acres)	Official Plan Designation: Agriculture and Natural Environment	Zoning: AG1- General Agriculture, NE1- Natural Environment
Area Retained: 51 ha (+/-) (126 acres)	Official Plan Designation: Agriculture and Natural Environment	Zoning: AG1 – General Agriculture, NE1- Natural Environment

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 North Huron Official Plan;
- √ Complies with the municipal Zoning By-law (or will comply subject to a standard condition of rezoning or minor variance);
- NA 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)

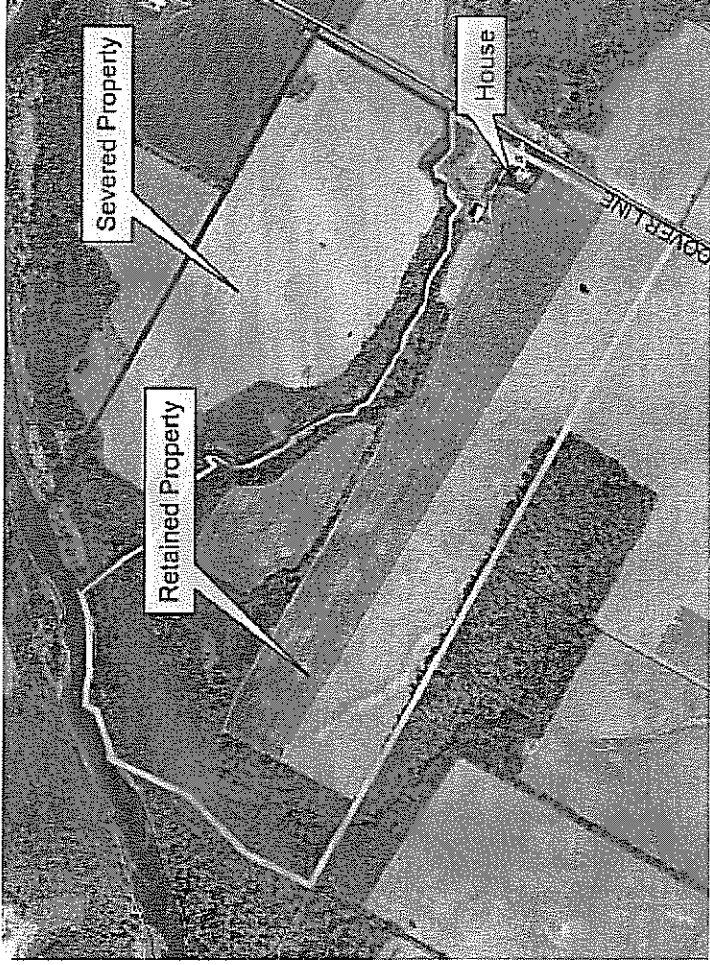
Agency/Public Comments:

	Not Received or N/A	No Concerns	Comments/Conditions
Maitland Valley Conservation Authority		√	There is ample room located outside of the hazard lands should future development be proposed. No objection, generally conforms to the natural hazards policies of the Official Plan and 2014 Provincial Policy Statement
Neighbours/Public		√	Letter received by Les Caldwell of Maplehurst Simmentals, identifying errors with the stated location of the existing house and barn and the incorrect amount of retained lands. Also wanted to know the supporting policies for lot creation of 64 acres. No objection to application.
Huron County Health Unit	√		

Figure 1 Aerial Photo of Subject Property



Figure 2 Aerial Photo of Land to be severed.



Additional Comments:

The purpose of this application is to sever an agricultural farm. The land to be severed is approximately 26 hectares (64 acres) of farmland and natural environment. The land to be retained is approximately 51 hectares (126 acres) and contains an existing dwelling, barn and shed.

Provincial Policy Statement

The Provincial Policy Statement states in Section 2.3.1 that: *Prime agricultural areas shall be protected for long-term use for agriculture, which is the intent of the continued use of the subject lands uses upon approval of the severance.* 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 layout of the proposed severed property creates a lot appropriate for agricultural uses typical in North Huron and can remain viable for future agricultural operations.

Official Plan Policies

The consent policies in the North Huron Official Plan for agricultural areas are outlined in Section 11.3.1., which states:

- 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 proposed severed lands are 26 hectares and are less than the above criteria for a minimum lot creation size of 38 hectares. However, the application for this severance is not proposing to change the agricultural use of the subject property and the severance line along the creek is the most appropriate location to maintain the agricultural use and protect the Natural Environment features.

The Interpretation section, 12.2.1, states that "*all numerical figures in the Plan should not be interpreted absolute and rigid. Minor variations from them will be permissible providing the intent and spirit of the Plan is maintained.*" The subject property as a whole is 190 acres and is eligible for a severance. It is determined that while under-size by lot size policy, the location of the creek running east-west throughout the property creates the most logical location for a dividing line. The addition of acreage to the proposed severed lands to meet the minimum lot size would include the addition of lands inaccessible except over the creek and not add any amount of workable acres to the severed property. The proposed severance meets the intent of the Official Plan policies of respecting the long-term needs of agriculture and the Interpretation policy.

The proposed retained lands are 51 hectares and meet the minimum lot size for agricultural lot creation.

Comments received from the Maitland Valley Conservation Authority identified the lands surrounding the creek on the subject property as hazards lands- floodplain and wetland. It has been identified that there is sufficient room on the property outside of the hazards lands should future development be proposed. MVCA had no objection to the application and believes it to generally conform with the natural hazard policies of the North Huron Official Plan and Provincial Policy Statement, 2014.

Natural heritage comments received from Rachel White, Huron Stewardship Coordinator, stated that no negative impacts on the natural environment are anticipated as a result of this severance if the new lot line is created along the creek, but rather the proposed location would help preserve the natural features on the property by eliminating unnecessary crossing of the creek or development in the natural environment lands.

Consent Application Report – File # B50/2015

A letter was received from Les Caldwell during circulation. The comments in the letter identified errors that had been included in the materials circulated regarding the location of the existing barn and dwelling and the size of the retained lands. The property structures had been identified as located on Part Lot 29, when in fact they are located on Part Lot 30. As well, the amount of proposed retained lands is 51 hectares, not the incorrect amount originally circulated as 77 hectares. This was corrected in a recirculation of the application. The letter also requested an explanation as to the policies and planning interpretation that will be used to present this application. Mr. Caldwell expressed satisfaction at the reply provided and clarified that he is not objecting to the applied severance and would like notification of the decision.

The following conditions are recommended to apply to a provisional consent should this application be considered for approval by Council.

Expiry Period

- √ 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 decision.

Municipal Requirements

- √ All municipal requirements be met to the satisfaction of the Township including servicing connections if required, cash-in-lieu of park dedication, property maintenance, compliance with zoning by-law provisions for structures, and any related requirements, financial or otherwise.

- √ The subject parcel be numbered and addressed for 911 purposes to the satisfaction of the Township.

- √ The sum of \$500 be paid to the municipality as cash-in-lieu of parkland.

Survey/ Reference Plan

Provide to the satisfaction of the County and Township:

- 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.

Where a violation of any municipal zoning by-law is evident, the appropriate minor variance or rezoning shall be obtained before the deed is stamped.

Storm Water

- √ Section 65 of the Drainage Act to be addressed to the satisfaction of the Municipality.

Other
None

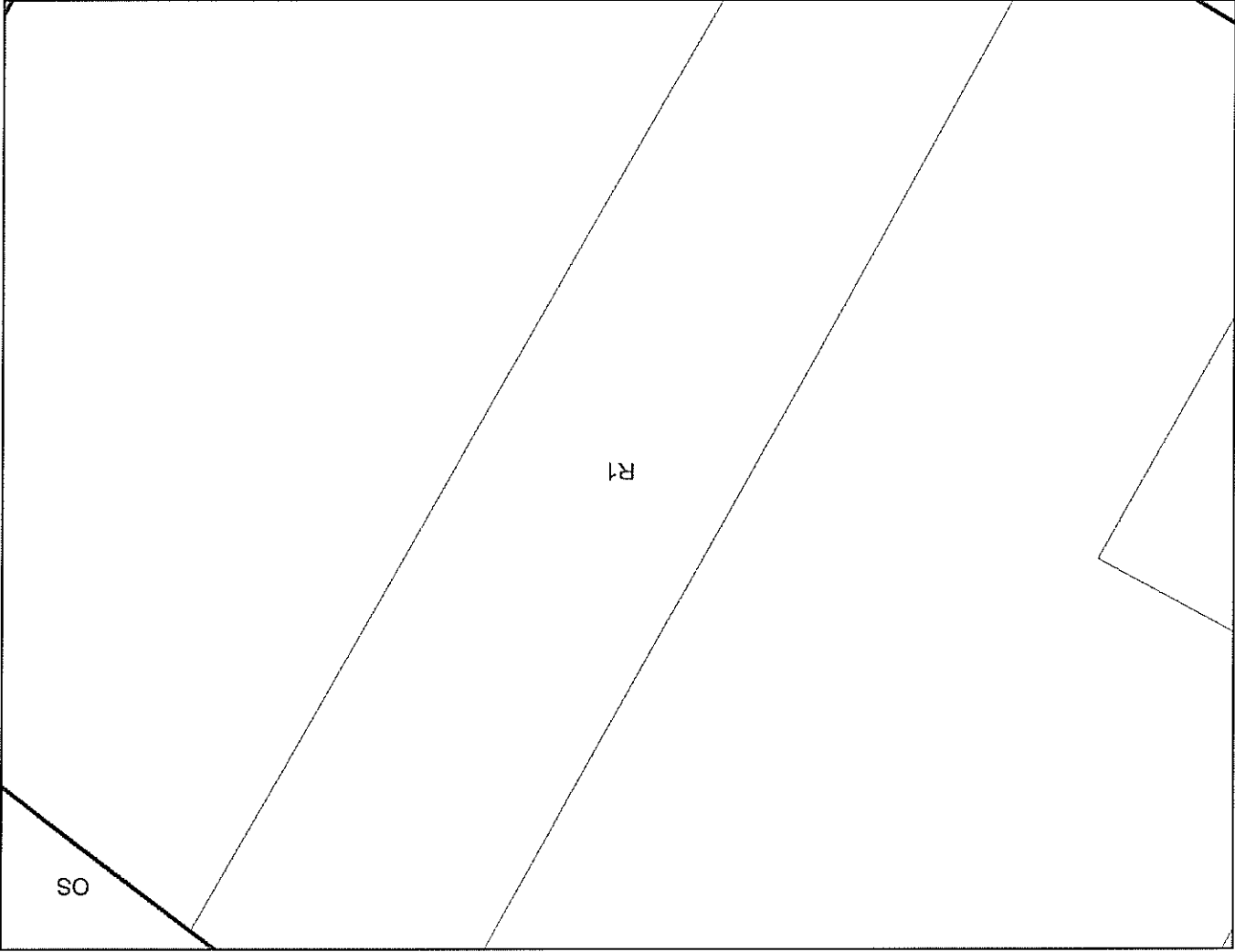
Original signed by

Laura Young, Planner

15 September, 2015

Date

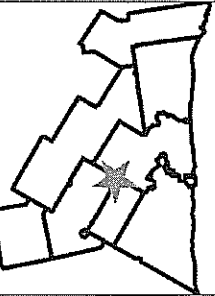
291 Drummond



Map center: 465928, 4842602

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- Legend**
- NH_Assessment
 - NHu_Zoning
 - RoadsPUBLICMar182014
 - County Roads
 - Future Development
 - Provincial Highway
 - Municipal Road
 - Private Not Urbanized
 - Private Urbanized
 - Not in Huron County
 - County Road (town)
 - Provincial Highway (town)
 - Municipal Road (town)
 - huron_cty_boundary
 - hc_litter
 - hc_lots
 - NH_Bnd



Scale: 1:448

