

October 18th, 2022

File No.: 2021-63

Brad McRoberts, CAO
Municipality of Huron East
72 Main St, Box 610
Seaforth, ON
NoK 1Wo

**RE: Zoning By-law Amendment Application
44424 Line 34, Huron East, Huron County**

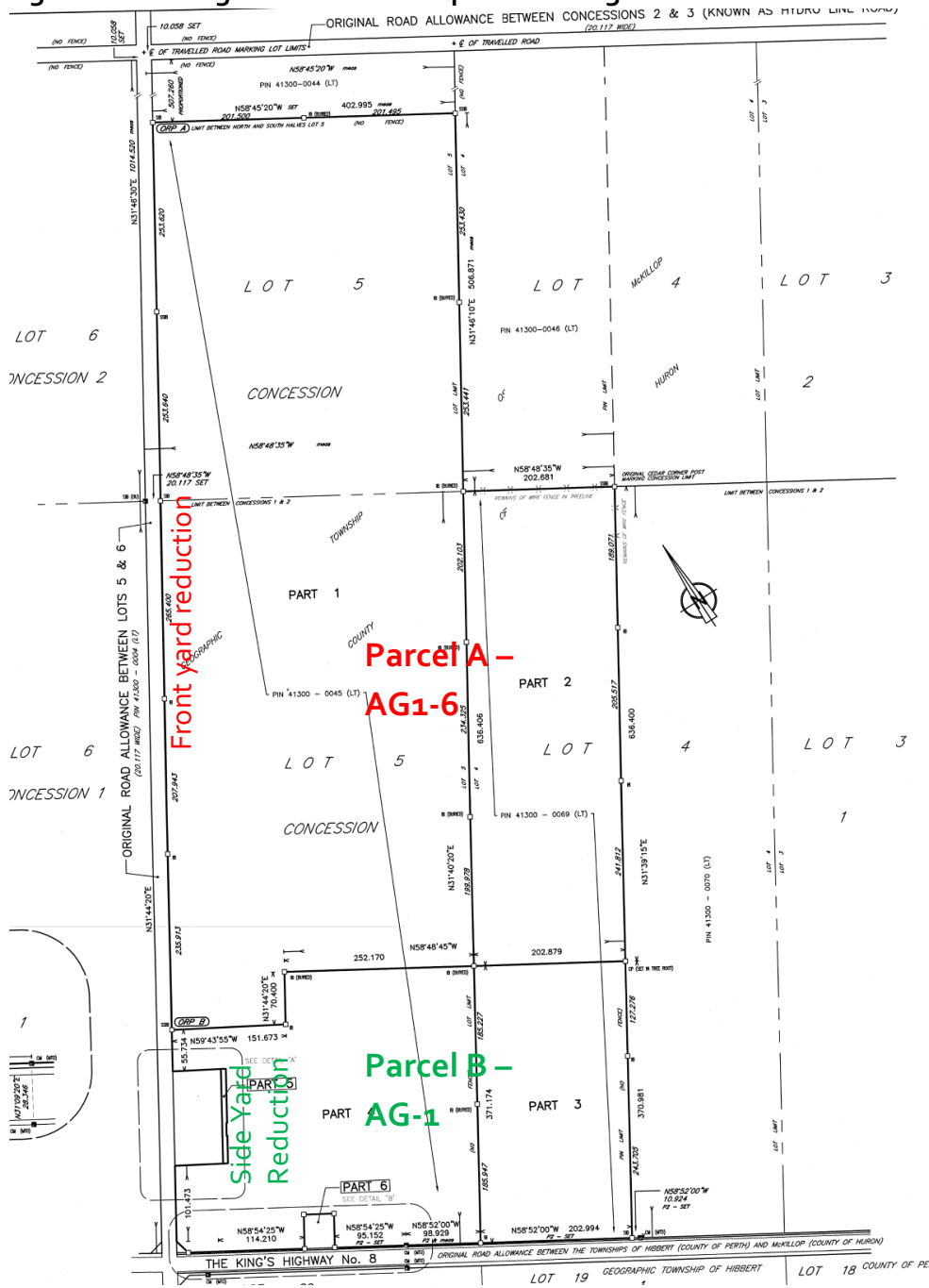
On behalf of the John Dekroon and AshV Farms ("Owners"), we are pleased to a Zoning By-law Amendment Application to address the Consent Conditions arising out of County of Huron Files C82-2020, C13-2022 and C14-2022. The Consent files are more particularly described as:

- C82-2020: Approved January 2021 to permit a Lot Addition from 44424 Line 34 to Part Lot 5, Concession 1, McKillop Ward.
Condition #3 requires that a rezoning or Minor Variance should be obtained to address any compliance matters to the Huron East Zoning By-law. The requirement is a result of one existing driveshed on the Retained Lot being deficient in the required side yard setback.
- C13-2022: Approved on March 15, 2022 to permit a lot addition from 44424 Line 34 to Part of Lot 4, Concession 1, McKillop Ward.
Condition #6 and #7 require that a rezoning application be approved to recognize the existing reduced front yard setback to Manley Line.
- C14-2022: Approved on March 15, 2022 to permit a lot addition from Part of Lot 4, Concession 1, McKillop Ward to 44424 Line 34.

In this regard, the Zoning By-law Amendment Application is requesting the following:

1. That the reconfigured Parcel A (Part 1 and 2) shall continue to be zoned "AG1-6" with the following amendments to the site-specific provisions:
 - a. That the permitted reduction in the exterior side yard setback of 30 metres be deleted
 - b. That a new provision be added, requiring a minimum front yard setback for an existing livestock facility to Manley Line of 20 metres, whereas the Zoning By-law requires a minimum of 60 metres
2. That the reconfigured Parcel B (Part 3 and 4) be rezoned from "AG1-6" to "AG1-XX" with a site-specific provision that the minimum side yard setback to an existing accessory structure of 1.0 metres, whereas the Zoning By-law requires a minimum of 7.5 metres

Figure 1: Reconfigured Lots and Proposed Zoning



Land Use Policy Framework

This section of the Planning Justification Letter provides an overview and assessment of the relevant planning policies to the proposed Consent Application.

Planning Act, R.S.O. 1990, CHAPTER P.13

In our opinion the Applications have regard for matters of public interest, as provided in the Planning Act, R.S.O. 1990, CHAPTER P.13. The Application conforms with the Huron East Official Plan and the resultant lot configuration and zoning matters provide for the long-term protection of agricultural land.

Provincial Policy Statement, 2020

The Provincial Policy Statement (“PPS”), 2020 is a province-wide policy document that sets out the government’s land use vision for the built environment and the management of land and resources. The overarching intent of the PPS is to “provide for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

Policies related to prime agricultural areas are provided in Section 2.3 of the PPS and state that these areas shall be protected for long-term agricultural use. Permitted uses include agricultural uses, agriculture-related uses and on-farm diversified uses. Policy 2.3.3.2 states that in prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected. The PPS defines “normal farm practice” as a practice that is “conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices.”

In our opinion, the Application is consistent with the PPS as facilitates the proposed reconfiguration of two agricultural lots that will continue to be protected and utilized for agricultural purposes. The resultant reconfigured lots are consistent with Policy 2.3.4.1. a) in that they are sufficiently large, per the Huron East Official Plan and Huron East Zoning By-law, to maintain flexibility in the range of agricultural uses.

County of Huron Official Plan, 2015

The purpose and implementation of the Huron County Official Plan (“County OP”), is outlined in Section 1.2, stating that:

The County Official Plan is a statement of the community and is presented in the words of the community. It is a record and guide. Not only does it provide direction for the activities of individuals and community organizations, the County Official Plan provides guidelines to local municipalities for the development of local official plans. The policies and actions are general policies and are provided as guidelines.

The County OP includes six (6) resource maps, provided as reference, not land use designations. Detailed mapping and land use designations are to be provided in the local official plans. The Site is identified as

"Agriculture". The community values, directions and policies for agricultural areas is provided in Section 2 of the County OP and include:

8) Lot creation in the prime agricultural area is discouraged and will only be permitted for: agricultural uses; agriculture-related uses provided that the area of the new lot is kept to the minimum size needed to support the use and appropriate servicing; a residence surplus to a farming operation; and, infrastructure or public service utilities which cannot be accommodated through easements or rights-of-ways; subject to the policies of local Plans. The creation of any lot for agricultural purposes must be of a size appropriate for the type of agricultural uses common in the area and sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations. Lot sizes in agricultural areas will be set out in local Plans.

As outlined below, the Application conform to the Huron East Official Plan and will provide for the continued agricultural use of the land.

Huron East Official Plan, 2003

The purpose of the Municipality of Huron East Official Plan ("OP") is outlined in Section 2, stating that the plan contains policies adopted by Huron East "assists the community in looking at the physical resources, the economic conditions, its ambitions and the effect of these on the future. The Plan then tries to marshal implementation forces such as public works, incentives, policy directions and legislation in an attempt to achieve a desired future."

The subject properties are designated as "Agriculture" in the OP, which permits the full range of normal farm practices. It is the intent of the Agriculture designation to provide for the long-term protection of agricultural land in the municipality. Section 4.4.6 states that lot sizes shall be based on the long-term needs of agriculture and be flexible for a range of agricultural uses. Section 10.3.1 provides that the division of a 60-hectare farm parcel into two farms parcels may be permitted, provided both the severed and retained will be used for agriculture, each lot maintains a minimum of 20 hectares and there has been no previous severance of land.

The Applicant facilitates the approved Consent Applications and addresses zoning matters related to existing buildings and structures.

Municipality of Huron East Zoning By-law 52-2006

The Site is designated "General Agriculture (AG1-6)" in the Huron East Zoning By-law (ZBL). The AG1-6 Zone permits agricultural uses, subject to the following zone regulations.

Zoning Provision	Requirement	New Lot (1A +2A)	New Lot (1B and 2B)
Lot Size (minimum)	38 hectares	20.4 hectares	60.2 hectares
Lot Frontage (minimum)	150 metres	165.0 metres	1371.6 metres
Yard Setbacks (minimum)	60 metres – Front Yard	N/A	60m
Livestock	30 metres – Rear Yard		30m

Zoning Provision	Requirement	New Lot (1A +2A)	New Lot (1B and 2B)
	30 metres – Side Yard 60 metres – Exterior Side		30m N/A

Notwithstanding the minimum lot area requirement (Section 4.4), Section 4.9 states that “where a new agricultural lot is created by severance and conforms with the Official Plan and has a minimum lot area between 18 and 38 hectares, the said lot is deemed to comply with the minimum lot area provisions of the By-law”.

The site-specific provisions in the AG1-6 Zone permit the following:

- *Notwithstanding the provisions of Section 4.5 (agricultural separation distance) to the contrary, in the area zoned AG1-6, new livestock buildings and manure storage structures may be established to accommodate a maximum annual capacity of 325 animal units provided that the livestock buildings and manure storage structures maintain a minimum separation distance of 312 metres from any neighbouring residence.*
- *The existing barn may be used to its existing maximum annual capacity of 200 animal units.*
- *Additional animal units may be established subject to the standard separation distance provisions of section 4.5.*
- *The minimum exterior side yard shall be 30 metres.*
- *Yard depths may be measured from the perimeter of the AG1-6 zone.*
- *All other applicable provisions shall apply.*

The two new lots, as a result of the Consent Applications, create reconfigured agricultural lots that comply with the AG1 Zone with respect to minimum lot area and lot frontages; however, the reconfiguration has altered which lot lines are considered front, side, rear, and exterior lot lines for the purposes of zoning. In this regard the proposed Zoning By-law Amendment addresses the following:

1. Recognizes that the reconfigured Parcel A now has its legal lot frontage on Manly Line and no applicable exterior side yard. The amendment removes the site-specific relief in AG1-6 for a reduced exterior side yard setback and instead is replaced with a site-specific front yard setback to Manly Line. The proposed front yard reduction only applies to the existing livestock buildings and would not permit any new livestock facilities with a reduced front yard setback.
2. Recognizes the non-compliance of the existing shed on the reconfigured Parcel B, permitted an existing shed to have a side yard setback of 1.0 metre. The site-specific provision would not permit any new structures to be built with a reduced setback, and only applies to the existing structure.
3. The Amendment rezoned the reconfigured Parcel B to AG1, from AG1-6, as the site-specific provisions, of which are entirely related to the existing livestock facility on the reconfigured Parcel A, are not required for the reconfigured Parcel B (vacant).

Summary

In our opinion, the proposed Zoning By-law Application is appropriate, represent good land use planning and are in the public interest as it provides for the long-term protection of agricultural uses and does not permit the construction of any new buildings or structures, unless they comply with the regulations in the AG-1 Zone.

In support of the Consent Applications, please find enclosed the following:

- The completed Zoning By-law Amendment Application
- The deposited Reference Plan (22R-7191)
- The applicable application fee, being \$2,026.00

We trust the submission can be accepted and circulated for review. Should you have any questions or comments, please let us know and we would be happy to discuss further.

Kind regards,



Caroline Baker, MCIP, RPP
Principal

c.c John Dekroon
AshV Farms