

Guide to Surplus Farm Residence Severences*

Preconsultation

Applicants are strongly encouraged to have a pre-consultation meeting with the Planner before they submit an application. During this meeting, the Planner will review site specific information, calculate MDS (if required) and make a determination of whether the landowners meet the eligibility criteria to sever a surplus farm residence.

Minimum Distance Separation (MDS)

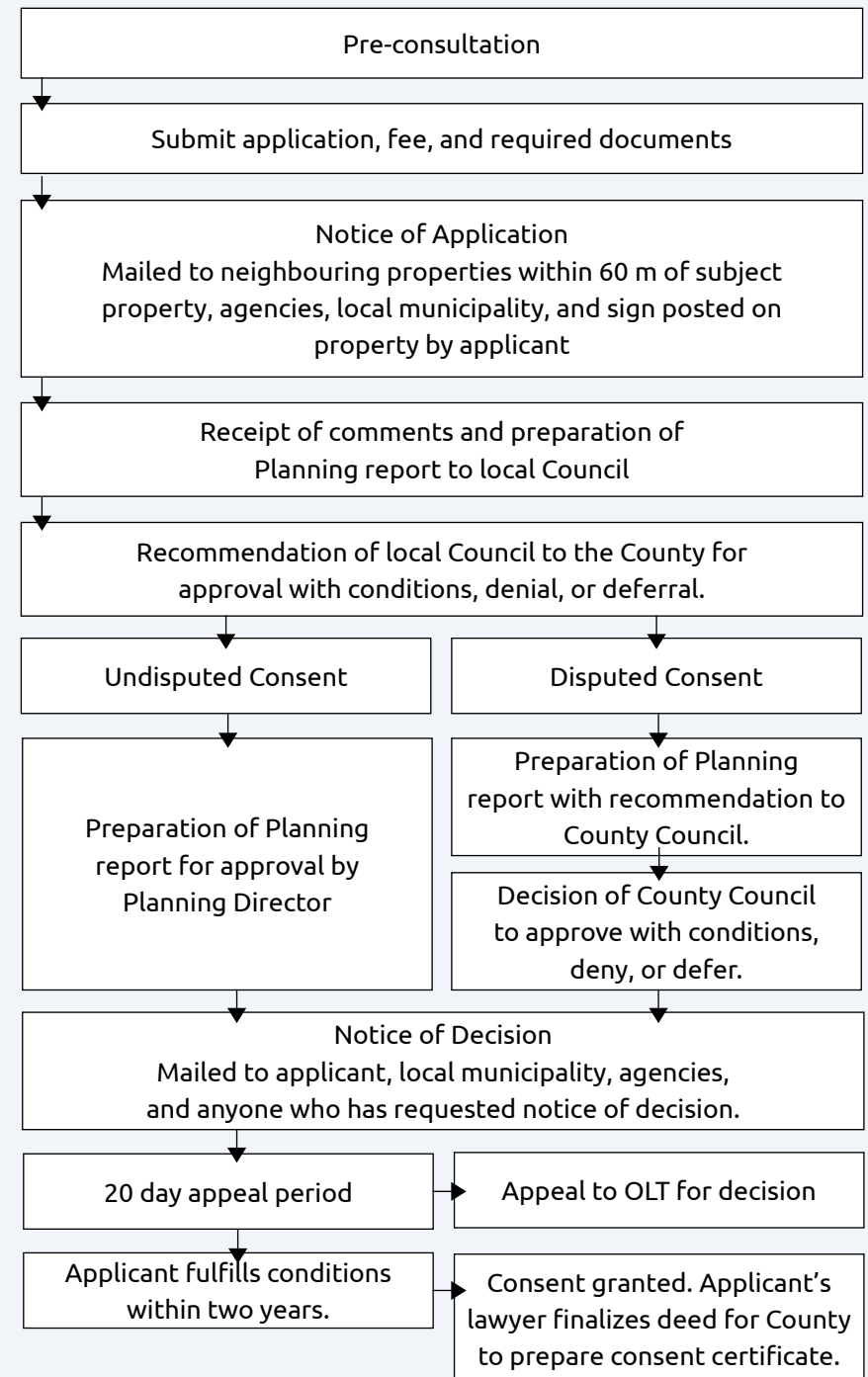
The purpose of MDS is to minimize nuisance complaints due to livestock odour. MDS determines minimum setback distances between proposed boundaries of the severed lot and existing livestock facilities or permanent manure storages. Check with the Planner to see if MDS calculations are required in your municipality.

*Officially, severances are called Consents under the Planning Act. The more common term severance is used in this guide.

This guide is intended to provide preliminary information only.

Last updated: **December 1, 2022**

Surplus Farm Residence Severences



Eligibility Criteria

The Huron County Official Plan sets out criteria to be eligible to sever a surplus farm residence (see below). The criteria of the local municipal official plan must also be met. Please check the local municipal website for Official Plan policies regarding surplus residence severances.

- The residence is surplus to a farmer as a result of farm consolidation (i.e. the farmer owns at least one other house on another farm parcel)
- The residence must be a minimum of 15 years old or has immediately replaced one of a series of habitable residences which were built a minimum of 15 years ago, or replaces a house accidentally destroyed by fire or natural disaster.
- The residence is habitable, as determined by the Chief Building Official, and is intended to be used as a primary residence. The area of farmland attached to the surplus house is kept to a minimum size needed for residential purposes, taking into consideration water and sewage services and environmental and topographic features.
- Minimum Distance Separation (MDS) formulae requirements are met for the surplus residence if barn(s) exist on the retained farmlands. (MDS does not apply to barns on separately titled lots.)

- A new residence is prohibited (through zoning) on any remnant parcel of farmland created by a surplus residence severance.
- There has been no previous separation of land for residential purposes from the farm property as it existed on June 28, 1973, other than in a settlement area. The retained lands are a minimum of 19 hectares unless merged with an abutting farm.
- Where the residence is within 300 metres of an existing aggregate operation or aggregate deposit, an assessment of potential impacts may be required.
- Confirmation from a licenced installer that the septic system has been pumped and is functioning properly
- Payment of cash-in-lieu of parkland to the local municipality
- Enter into a drainage agreement under Section 65(6) of the Drainage Act, if required
- Survey the severed parcel

Additional conditions may be required as identified through the commenting process.

The applicant has up to two years from the date of notice of decision to fulfill conditions or the severance approval will lapse. The Planning Act does not permit extensions.

The applicant has three years from the date of notice of decision to have the deed prepared by a lawyer and submitted to the County to finalize.

Standard Conditions

When a surplus residence severance is approved, the following conditions are standard:

- All Municipal requirements, financial and otherwise, be met
- Severed lot be rezoned to AG4 (Agricultural Small Holding) to limit livestock amount and recognize severed residence is not accessory to agriculture (Check with the Planner as this happens automatically in some municipalities)
- Farmland to be rezoned to a special Agricultural Zone to prohibit new residential dwellings on the retained agricultural parcel (Check with the Planner as this happens automatically in some municipalities)

Frequently Asked Questions

Q: How large of a lot is allowed for a surplus dwelling?

A: Typically 1-3 acres. The severance should not include more land than is needed to support the residence (i.e. well, septic system, and area for replacement septic system), and should normally not include land used for field crops.

Q: What are disputed / undisputed Consents?

A: A disputed Consent is where there is an unresolved concern raised and the decision is made by the Huron County Council. An undisputed Consent has no unresolved concerns, and is approved by the Planning Director.

Q: Does my septic system need to be inspected?

A: Yes. This is a standard severance condition for septic systems older than 5 years of age. Septic systems need to be pumped and inspected by a licensed installer and a certificate of inspection provided. The local municipality clears this condition.

Q: When calculating MDS, does it matter if the barn is currently used or not?

A: MDS calculations are based on maximum livestock housing capacity for all livestock facilities on a lot, even if the building is not currently used, but is structurally sound and capable of housing livestock. (Check with your Planner to determine if MDS calculations are required for surplus residence severances in your local municipality.)

Application

Forms are available online www.huroncounty.ca/plandev/forms or at the local municipal office. Completed applications and fee(s) can be submitted to the Huron County Planning & Development Department.

The time from submission of a complete application to a conditional decision is approximately three months. The applicant has up to two years to fulfill the conditions, and up to two years to submit the deed to the County.

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

Fees

| Fee* Payable to the County of Huron | |
|---|--|
| Severance Application | 2023 fee: \$3,315 2024 fee: \$3,381 2025 fee: \$3,449 2026 fee: \$3,518 |
| *Additional fees may apply such as Municipal rezoning application, septic inspections, Conservation Authority review, surveying and legal fees. | |

Further Information

For more specific information related to individual applications, or for assistance in completing applications, please call the number below and ask for the Planner for your local municipality.

Huron County Planning & Development Department

57 Napier St., 2nd Fl Goderich, ON, N7A 1W2
519-524-8394 Ext. 3
E-mail: planning@huroncounty.ca

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