

Consent Application Report- File # C029-18

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| Owner: Les Caldwell Applicant: Stephen Caldwell | Date: 15 May 2018 |
| Property Description: Part Lot 41 (East Half), Concession 2, East Wawanosh, Township of North Huron (39835 Moncrieff Road) | |

Recommendation: That provisional consent be:

- √ granted with conditions (attached)
- deferred
- 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: 0.5 acres | Official Plan Designation: Agriculture | Zoning: AG1-5 General Agriculture |
| Area Retained: 98 acres | Official Plan Designation: Agriculture and Natural Environment- Limited Protection | Zoning: AG1-5 General Agriculture, NE2- Natural Environment Limited Protection |

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);
- 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 | √ | | |
| Neighbours/Public | √ | | |
| Huron County Public Works | √ | | |

Figure 1. Aerial photo of proposed severed (outlined in red) and retained lands (outlined in green)

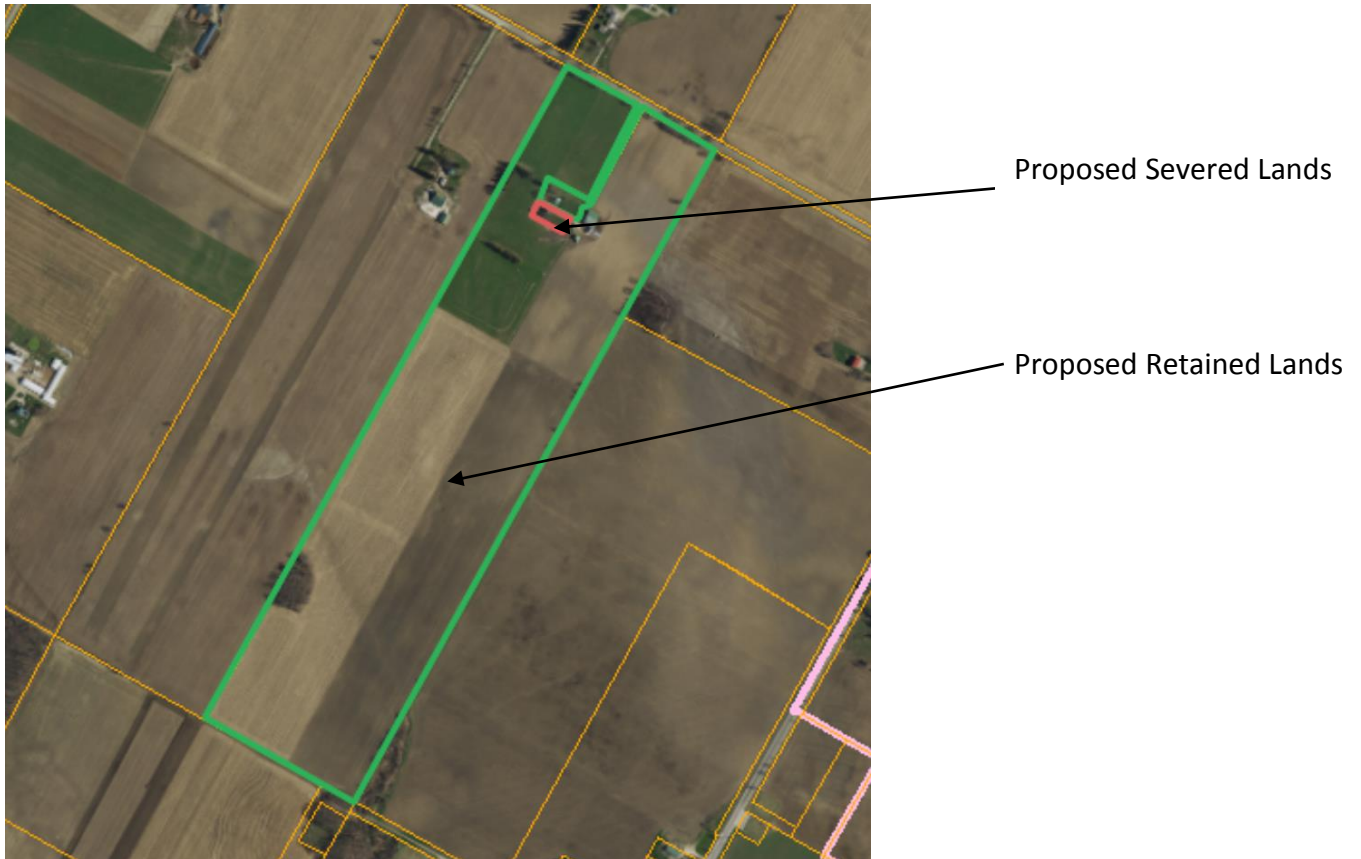


Figure 2. Aerial photo of proposed severed land



Figure 3. Photo showing proposed severed land



Figure 4. Photo of the proposed severed land and former location of the residence



Additional Comments:

The purpose of this application is to sever land and enlarge an abutting property to the north through merging the severed lands. The land to be severed is approximately 0.5 acres and has a detached garage and no agriculture use. The land to be retained is approximately 98 acres and contains a barn and accessory structures, with the remainder of the farm being used for crop growing and agricultural use.

Comments Received

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There have been no comments received from the public or any concerns or comments received from North Huron staff during the circulation of this application. This report was prepared ahead of the meeting for its consideration and further comments may arise then.

Provincial Policy Statement

Section 2.3.4.1 of the Provincial Policy Statement 2014 (PPS) contains policies for lot creation in agricultural areas. In the proposed severance, there is not a creation of a new lot and no proposal for a new residential building. The severance is adjusting the lot dimensions by adding the proposed severed portion with the abutting land and two properties will remain after its completion. There is no loss in currently utilized agricultural land; the land to be severed previously had a residence located on it and has not been used for agriculture.

Huron County Official Plan Policies

The severance complies with the agricultural standards of the *Huron County Official Plan*. The plan states that severances shall protect the farmer's ability to farm; in this case, the land proposed to be severed had no previous impacts on the agriculture practices on the AG1-5 lot. The proposed severance does not conflict with any statements and goals proposed in the Huron County Official Plan, considering the previous use of the land.

North Huron Official Plan Policies

The proposed severed land is designated Agriculture the *North Huron Official Plan*. The consent policies in Section 11.3.1 of the Township of North Huron Official Plan contain criteria to permit a severance in an Agriculture designated area, including for land being conveyed to an abutting non-farm use, provided that a minimal amount of productive agriculture land is involved and it is for convenience or servicing purposes.

The land proposed to be severed previously had a residential building that has been demolished; the current land only contains a small accessory structure and has no agricultural uses. When merged with the neighboring property, the severed land will be used for additional parking and lawn, with the ability for an accessory building to be constructed. The farmlands have a separate entrance for farming equipment and access.

If the proposed severed lands are merged with the abutting property, the retained farmlands would still meet the minimum size of 38 hectares, as identified in the *North Huron Official Plan* and maintain their agricultural use.

The designated Natural Environment land found on the property is a small section on the south end of the lot. There is no expected impact or change of use for the Natural Environment designated land by this severance.

This application conforms to *the North Huron Official Plan* and its consent policies for a severance in an Agriculture area.

Zoning By-Law Provisions

The subject property is currently zoned General Agriculture (AG1-5) and Natural Environment Limited Protection (NE2). The abutting property the severed land is to merge with is zoned Agricultural Small Holdings (AG4). When the proposed severed land is merged with the abutting property it is enlarging, it will automatically be rezoned in accordance with the provisions of Section 3.15 of the North Huron Zoning By-Law and be zoned AG4.

For future consideration, it is important to note that the retained land would be viable for the construction of a residential building due to the AG1-5 zoning permitting one single detached dwelling on the property. To date, there is no intent of building a residential building on this parcel of land.

This application is consistent with the North Huron Zoning By-law.

Consent Application Report- File # C029-18

Recommended Conditions

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 notice 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.

Survey

- √ Provide to the satisfaction of the County and the 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

Merging

- √ The severed land merge on title with the abutting property to the north upon issuance of the certificate under Section 53(42) of the Planning Act, RSO 1990, as amended.
- √ A firm undertaking be provided to the satisfaction of the County from the solicitor acting for the parties, indicating that:
 - a) the severed land and the abutting property to the north will be consolidated into one P.I.N. under the Land Titles system; or
 - b) where consolidation is not possible as the parcels to be merged are registered in two different systems (e.g. the Registry or Land Titles system), a notice will be registered in both systems indicating that the parcels have merged with one another and are considered to be one parcel with respect to Section 50 (3) or (5) of the Planning Act, R.S.O. 1990, C P.13 as amended.
- √ Section 50(3) or (5) of the Planning Act, RSO 1990, as amended, applies to any subsequent conveyance or transaction of the severed land.
- √ A one square foot portion of the abutting property to which the severed land is to be merged be conveyed to the Municipality. A survey is to be provided showing the one square foot parcel as a separate part on the reference plan.

As this application to sever and enlarge an abutting property is consistent with the Provincial Policy Statement, conforms to the North Huron Official Plan, and is consistent with the North Huron Zoning By-law, it is recommended for approval with the above stated conditions.

'Original Signed By'

Laura Simpson, Planner

15 May 2018

Date

'Original Signed By'

Elizabeth Nakashima

15 May 2018

Date