

Consent Application Report – File # B68/2015

Owners/Applicant: Frogstream Holdings Limited c/o Hank Kikkert Solicitor: John W. Schenk	Date: March 15, 2016
Property Address: 85769 Beecroft Line	
Property Description: Part Lot 30, Concession 11 t/w Row, 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: 1.2 ha (+/-) (3 ac)	Official Plan Designation: Agriculture, Natural Environment- Limited Protection	Zoning: NE2- Natural Environment
Area Retained: 2.23 ha (+/-) (5.5 ac)	Official Plan Designation: Agriculture, Natural Environment- Limited Protection	Zoning: NE2- 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 appears to be sufficient room on the proposed severed parcel to construct a detached dwelling outside of the MVCA Regulated Area and the identified hazard lands.
Neighbours/Public	✓		No comments received from the public at the time of writing this report.
Huron County Health Unit		✓	There appears to be sufficient room to construct a class four septic system on the proposed severed parcel.

Figure 1 Aerial Photo of Subject Property



Figure 2 Aerial Photo of Land to be severed.



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Additional Comments:

The purpose of this application is to create a new vacant lot to construct a house. The land to be severed is approximately 1.2 hectares (3 acres) with no present buildings. The land to be retained is approximately 2.23 hectares (5.5 acres) and contains a house and sheds.

Comments received from the Maitland Valley Conservation Authority identified a stream valley and floodplain on the subject property, within MVCA Regulated Area. Comments include that there appears to be sufficient room on the proposed severed parcel to construct a new residence outside of the MVCA Regulated Area and the noted hazard lands, but on-site stakes to show the setback for the proposed development are required.

North Huron staff identified that any future driveway access would require ensuring a clear line of sight in both road directions because of the location of a curve on Beecroft Line.

Provincial Policy Statement

The Provincial Policy Statement, 2014 (PPS) states in Section 2.3.4.1 that *lot creation in prime agricultural areas is discouraged and may only be permitted for: agricultural uses, agricultural-related uses, a residence surplus to a farming operation, and infrastructure*. Section 2.3.4.3 goes on to explicitly prohibit the creation of new residential lots in prime agricultural areas unless they are a residence surplus to a farming operation. This application proposes to create a vacant building lot in a prime agricultural area contrary to the policies of the PPS and so is not consistent with the Provincial Policy Statement, 2014 as required by Section 3(5) (a) of the Planning Act.

Huron County Official Plan

The County of Huron Official Plan in Section 2.3.7 discourages lot creation in prime agricultural areas and only permits severances for agricultural purposes, commercial and industrial uses directly related to agriculture, a residence surplus to a farming operation, infrastructure and public service utilities that cannot otherwise be accommodated and minor lot adjustments subject to policies in local Official Plans. Section 2.3.1 identifies Huron County as a prime agricultural area which includes the subject property, and since this application does not meet the requirements of Section 2.3.7 the application does not conform with the County Official Plan.

North Huron Official Plan Policies

The subject property is designated Natural Environment- Limited Protection and Agriculture in the North Huron Official Plan.

In Section 11.3.2, the section for consents in a Natural Environment designation, the policies state that a consent may be granted if for lot enlargement purposes, where the severed and retained are a minimum size of 38 hectares (94 acres), and are eligible for rezoning to permit the construction of a dwelling subject to Section 5.3. This application does not meet the policies for permitting a consent in a Natural Environment designation because it is not for lot enlargement, does not meet the minimum lot sizes and does not meet the requirements for the permitted development in a Natural Environment- Limited Protection designation, as explained below.

Section 5.3.4.3 of the North Huron Official Plan outlines the limited development that is permitted in a Natural Environment- Limited Protection designation. This section states that one single detached dwelling and accessory buildings may be permitted subject to a rezoning provided that it is on an existing lot of record and the house is not the subject of a consent. This application proposes to sever a vacant lot to build a house, therefore making it a subject of a consent and not in agreement with the permitted development in a Natural Environment designation.

This application does not conform with the North Huron Official Plan Natural Environment policies.

The consent policies in the North Huron Official Plan for an Agricultural designation are outlined in Section 11.3.1., which states:

6) Consents will not be allowed which have the effect of creating lots the use of which is not directly related to agriculture. Non-farm rural residential lots will not be allowed.

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The proposed severed lands would have the purpose of creating a non-farm rural residential lot which is not permitted by the North Huron Agricultural consent policies. This application does not conform to the North Huron Official Plan Agricultural consent policies.

This application does not conform to the Natural Environment or Agricultural policies of the North Huron Official Plan and therefore does not conform to the North Huron Official Plan. It also does not conform to Section 51 (24) (c) of the Planning Act.

Conditions have not been included because it is recommended that the application be denied.

Original signed by

Laura Young, Planner

15 March 2016

Date