



## PLANNING & DEVELOPMENT

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### Consent Application Report – File B48/16 To North Huron Council

Owners/ Applicant: Groenberg Farms Inc / Douglas Culbert Applicant	Date: November 25, 2016
Property Address: 86111B Beecroft Line	
Property Description: North Part of Lot 30, Concession 12, East Wawanosh, Township of North Huron	

**Recommendation:** That provisional consent be:

- ☒ granted with conditions (attached)  
☐ deferred  
☐ denied (referred to the County Committee of the Whole Day 1 for a decision)

**Purpose:**

- ☒ enlarge abutting lot  
☐ create new lot  
☐ surplus farm dwelling  
☐ right-of-way / easement  
☐ other:

	Area	Official Plan Designation:	Zoning: Key Map 6 East Wawanosh	Structures:
<b>Severed</b>	0.92 ha (2.27 acres)	Agriculture	General Agriculture (AG1)	Barn, Shed, Garage
<b>Retained</b>	39.1 ha (96.6 acres)	Agriculture Natural Environment	General Agriculture (AG1) Natural Environment Full Protection (NE1) Natural Environment Limited Protection (NE2)	Vacant

**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 North Huron 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 County Committee of the Whole Day 1 for a decision)

#### Agency Comments:

	Not Received or N/A	No Concerns	See Conditions
Neighbours / Public	<input checked="" type="checkbox"/>		

#### North Huron Staff Comments Received:

1. New entrance created for severance requires Entrance Permit, Must meet criteria of policy.

#### Additional Comments:

- The purpose of this application is for minor lot enlargement of an existing AG4 parcel owned by Gregory and Karen Dwyer (being part 1 on Plan 22R4876) at 86111A Beecroft Line. The land to be severed is 0.91 hectares (2.27 acres) and is merging with the existing 0.39 hectare (0.98 acre) AG4 lot to the east that was previously severed in 2003. The resulting enlarged parcel will be 1.3 hectares (3.25 acres) in size.

- The retained farmlands are 39.1 ha (96.6 acres)
- The subject property is designated Agriculture and Natural Environment in the North Huron Official Plan; and zoned AG1 (General Agriculture), Natural Environment Full Protection (NE1) and Natural Environment Limited Protection (NE2) on Key Map 6 of the North Huron Zoning By-law 82-2008.

#### Official Plan Policies

The consent policies in the North Huron Official Plan for agricultural areas are outlined in Section 5.3.1. 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:*

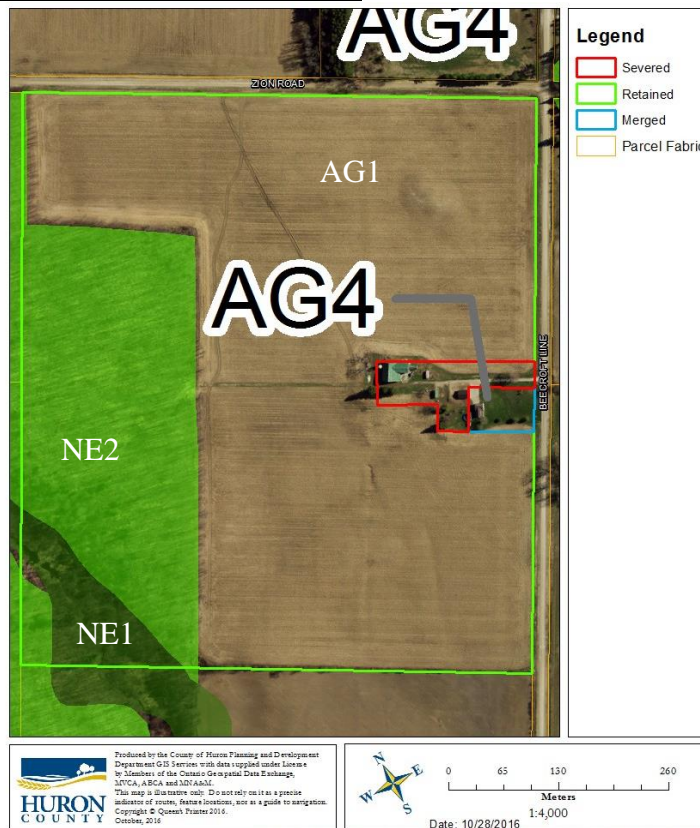
- *The proposed operation must be an agricultural operation either by itself or in conjunction with other lands owned by the operator;*
- *Agriculture must be the intended use of the lands being conveyed;*
- *A minimum lot size of 38 hectares.*

The retained lands are 39.1 hectares and therefore meet the minimum requirements as set out in the Official Plan. The owner of the retained lands, intends to continue using these lands for agricultural purposes. Section 5.3.1. also speaks to the severed lands:

*4) Where the land being conveyed is to be added to an abutting, existing non-farm use, consents may be granted provided that a minimum amount of productive agricultural land is involved and the conveyance is for convenience or servicing purposes.*

The severed lands contain a laneway, old bank barn, shed, garage. A house has been removed from this area. The severed lands include these adjacent buildings and a minimal amount of agricultural land. In order to have the severed lands merge with the AG4 lot that was previously severed, the condition for a one square foot portion of the abutting property to which the severed land is to be merged needs to be conveyed to the municipality. This condition ensures that the severed portion will remain merged with the previously severed lot.

**Figure 1: Air Photo of Severed and Retained**



**Figure 2: Air Photo of Severed lands and adjacent lot it will be merged with**



**Figure 3: Looking west**

Photos of the house that severed lands will be merged with



**Figure 4: Severed lands**



- The proposed consent is consistent with the PPS.
- This application meets all other requirements of Section 11.3.1.4 of the North Huron Official Plan, subject to the conditions stated below and the proposed consent is recommended for approval.

**Recommended Conditions** (denoted by ✓ )

- ✓ **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 municipality including servicing connections if required, cash-in-lieu of park dedication, property maintenance, compliance with zoning by-law provisions for structures, compliance with Section 65 of the Drainage Act and any related requirements, financial or otherwise.
- ✓ The subject parcel be numbered and addressed for 911 purposes to the satisfaction of the municipality.

### Survey / Reference Plan

- ✓ Provide to the satisfaction of the County and the Municipality:
  - 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 and should also identify the 1' foot square as a part on the previously severed land. This is to ensure that the lands being severed will merge with a previously severed lot.

### Zoning

- ✓ Where a violation of any municipal zoning by-law is evident, the appropriate minor variance or rezoning shall be obtained to the satisfaction of the Township.

### Merging

- ✓ The severed land merge on title with the abutting property to the east upon issuance of the certificate under Section 53(42) of the Planning Act, RSO 1990, as amended. **(Note: Your solicitor will be required to clear this with the County of Huron).**
- ✓ A firm undertaking is to be provided from the solicitor acting for the parties indicating that the severed land and the abutting property to the east will be consolidated into one PIN under the Land Titles System. **Note:** In the case where a title search has been completed and it has been determined that the severed/retained lands are registered in two different systems (e.g. the Registry or Land Titles system) and a consolidation is not possible then notice will be required to be registered in both systems indicating that the parcels have merged with one another and is considered to be one parcel with respect to Section 50 (3) or (5) of the Planning Act, RSO 1990, CP 13 as amended. **(Note: Your solicitor will be required to clear this with the County of Huron).**
- ✓ Section 50(3) or (5) (whichever applies) of the Planning Act, RSO 1990, as amended, applies to any subsequent conveyance or transaction of the severed land. **(Note: This statement will be included in the consent endorsement and your solicitor will be required to clear this with the County of Huron by including it on the draft deed in preparation).**
- ✓ 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 be provided showing the one square foot parcel as a part on the reference plan. This condition ensures that the severed portion will remain merged with a previously severed lot.

### Other

Sincerely,

  
Carol Leeming

Planner

November 25, 2016

Date

Site Inspection: November 14, 2016