



## PLANNING & DEVELOPMENT

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**www.huroncounty.ca**

### Consent Application Report – File # C42/2018

Owner: Glenn Hodgins	Date: August 24, 2018
Applicant: Ray and Denise Rose	
Property Address: 38610 Mount Carmel Drive	
Property Description <i>Parcel to be retained</i> – Stephen Con S Boundary PT, Lots 13 and 14 (38610 Mount Carmel Drive) <i>Parcel to be severed</i> – 38610 Mount Carmel Drive <i>Parcel to which severed will be added</i> – Conc S Bdy Pt Lot 14 AS RP 22R497 Part 1 (38590 Mount Carmel Drive)	

#### Recommendation:

That provisional consent be:

- ✓ **granted with conditions (attached)**
  - deferred (for ...)
  - 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:	Official Plan Designation	Zoning
Severed: 0.5 acres (0.2 ha)	Agriculture	AG1
Retained: 140.84 acres (57 ha)	Agriculture and Watercourse	AG1

#### 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 South Huron Official Plan;
- ✓ Complies with the municipal Zoning By-law (or will comply subject to a standard condition of rezoning or minor variance);
- n/a 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)**

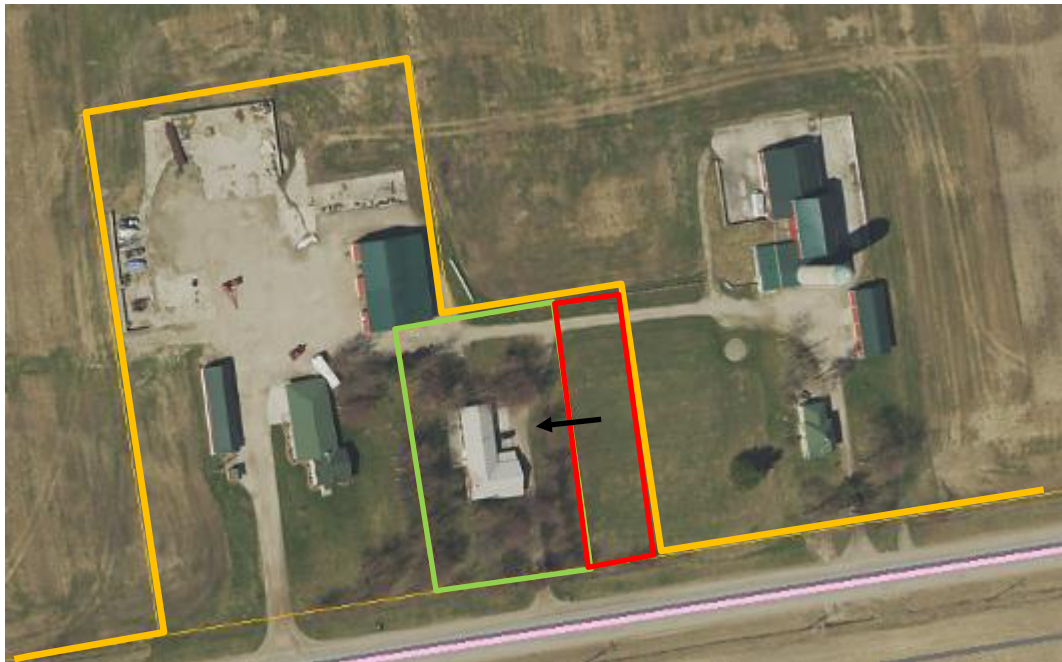
**Agency/Public Comments:**

	Not Received or N/A	No Concerns	Comments/Conditions
Conservation Authority (ABCA)		√	ABCA made comment that it does not have any natural hazard or natural heritage concerns with the requested severance for the purpose of a lot addition.
Neighbours/Public	√		None received.
Huron County Highways		√	
Huron County Health Unit			Through discussions with the Health Unit they indicated they did not have concern with the consent and that added land would be of benefit to the property.
South Huron Staff			See conditions.

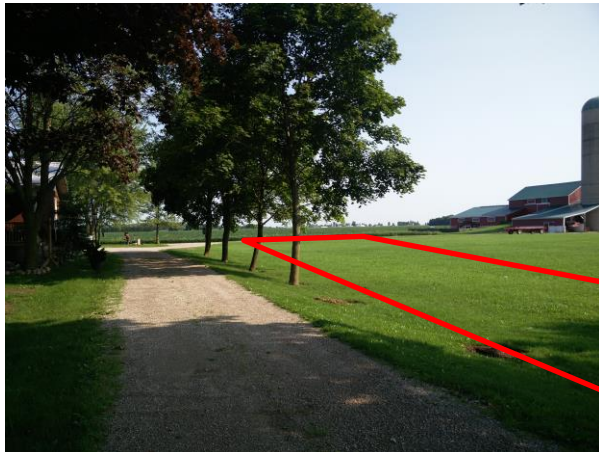
**Figure 1: Aerial of subject property. Retained parcel identified in yellow. Severed parcel identified in red. To be added to lands to west, identified in green being an existing Agricultural Small Holding.**



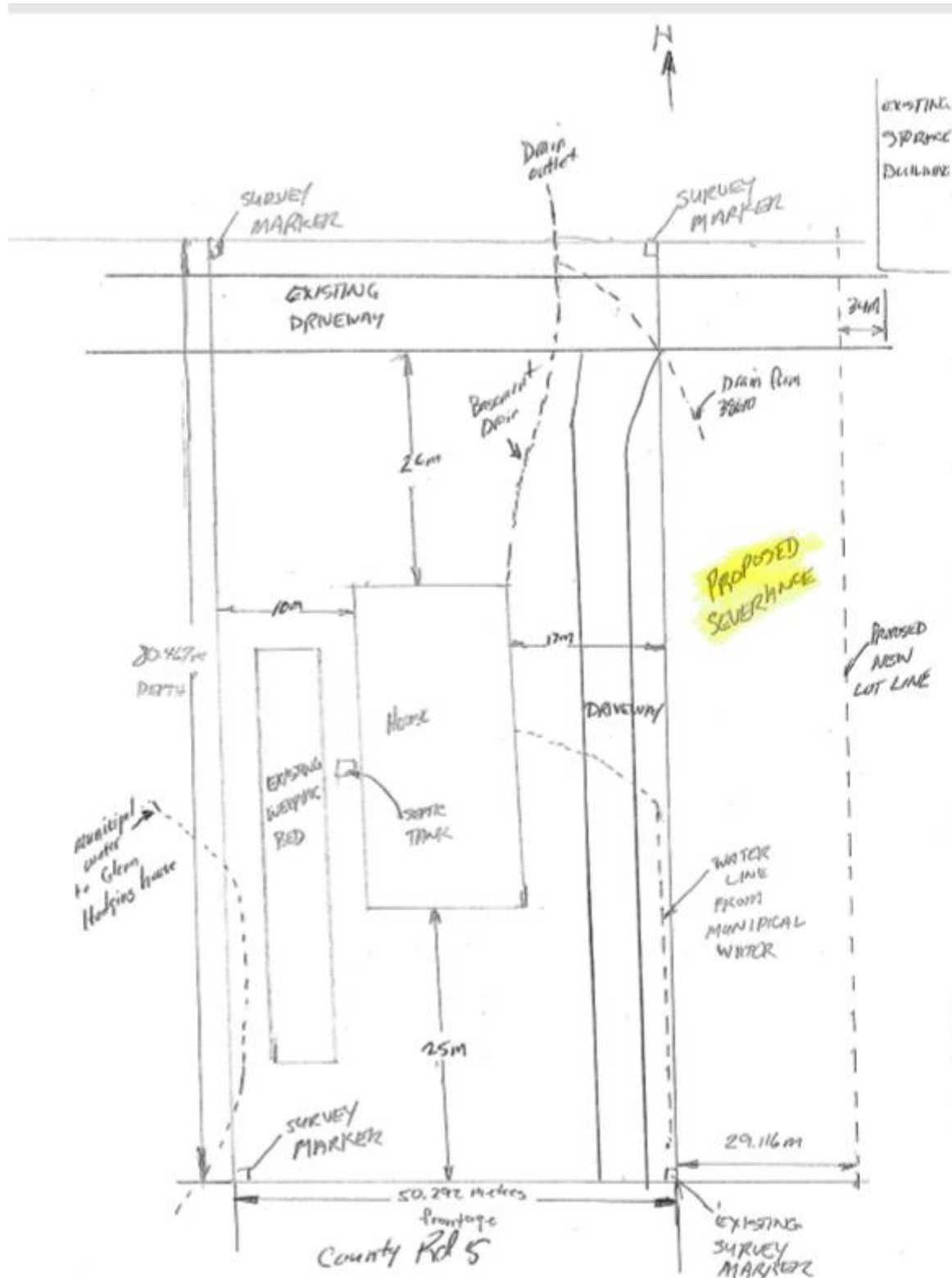
**Figure 2: Aerial view of severed parcel and lands severed parcel will be added to.**



**Figure 3 and 4. Photos of lands proposed to be severed, facing north. Approximate severed parcel shown for illustration purposes only.**



**Figure 5. Applicant sketch indicating proposed severance**



*Image for illustrative purposes only. A survey is required condition of consent.*

## ***Purpose***

The purpose of this application is to enlarge 38590 Mount Carmel Drive, an existing Agricultural Small Holding parcel in the Township Stephen Agricultural Area. The land to be severed is approximately 0.5 acres (02. hectares) and is currently a vacant grassed area. It is proposed to add this parcel of land to 38590 Mount Carmel Drive for servicing purposes. The land to be retained is approximately 57 hectares (140.84 acres) and is currently agricultural land for crop production, as well as having an existing dwelling and farm buildings. The retained land will continue to be used for agricultural purposes.

## ***Review***

### **South Huron Official Plan**

The South Huron Official Plan designation for the subject parcel (including severed and retained lands) is Agriculture and Watercourse, the area under the proposed severance includes Agricultural designated lands. Under the South Huron Official Plan consents are permitted in Agricultural areas where the land being conveyed is to be added to an abutting, existing farm or non-farm use provided that a minimum amount of productive agricultural land is involved and the conveyance is for convenience or servicing purposes.

It is understood from the applicant they have requested the lot enlargement to provide additional land for their existing agricultural residential parcel for purposes of a future septic tank and contingency bed due to the current limited size of the parcel. The proposed area of severance is maintained as a grassed area, and through review of historical photos has not been used for farmed cropland. The proposed severed parcel is limited in size, and due to the existing features on this parcel of land, does not remove a large area of agricultural land from farm production. Therefore the request meets the policies for severance for servicing purpose and is in compliance with the South Huron Official Plan.

### **Township of Stephen Zoning By-law 12-1984**

The proposed severed parcel is zoned General Agriculture (AG1) and will be added to an existing Agricultural Small Holding (AG4) parcel. The existing AG4 parcel meets minimum zone provisions, and with the additional land proposed under consent, will continue to meet zone provisions while also providing additional lands for servicing of an existing parcel. The lands to be retained are currently zoned General Agriculture (AG1) and will remain under this zone. Following the severance, the retained parcel will still maintain the minimum 38 hectare farm size stipulated in the Zoning By-law. Following consent both the retained parcel, and lands the severed parcel are to be added will continue to meet zone provisions. The provisions of the Township of Stephen Zoning By-law are met through this consent.

## ***Additional Comments:***

This application has been circulated to agencies and public. No formal comments were received from the public at time of writing this report.

***Summary:***

As this application represents a boundary adjustment for an addition to a lot in the Agricultural area for servicing purposes and meetings the intent of the South Huron Official Plan and Township of Usborne Zoning By-law it is recommended it **be approved**.

Sincerely,

'Original signed by'

Sarah Smith

August 24, 2018

Date

**Should Council choose to recommend this application for approval by the County of Huron, the conditions below are recommended. The application would be approved, on the condition that:**



### **Expiry Period**

1. 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**

2. Any and all monies owed to the Municipality must be paid in full, which may include but are not limited to servicing connections, cash-in-lieu of park dedication, property maintenance, water and wastewater charges, garbage and recycling charges, property taxes, compliance with zoning by-law provisions for structures etc.

### **Survey/Reference Plan or Registerable Description**

3. 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;

### **Zoning**

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

### **Merging**

5. The severed land merge on title with the abutting property (38590 Moutn Carmel Drive) to the west upon issuance of the certificate under Section 53(42) of the Planning Act, RSO 1990, as amended.
6. 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 west 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.
7. Section 50(3) or (5) of the Planning Act, RSO 1990, as amended, applies to any subsequent conveyance or transaction of the severed land.

Note: There is an existing driveway on the lands to be enlarged, which can be accessed by the retained parcel, and nieghbouring parcel to the west (.38574 Mount Carmel Drive); it is recommended all parties involved determine how they wish to proceed with access for this drive, and if an agreement is required between owners.