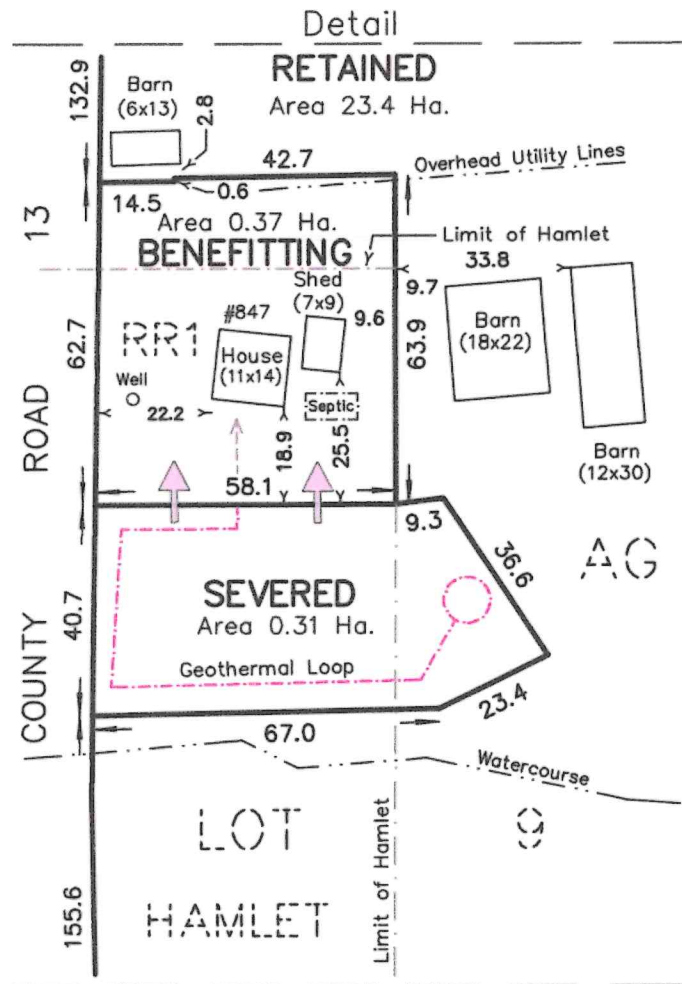


# 829 & 849 County Road 13 - Technical Consent (Lot Addition)



**Brendan O'Connor Community Planning Consultant  
Planning Justification Report**

Community Planning - Land Use Planning - Project Management - Expert  
Testimony

## **Planning Justification Report – Technical Consent (lot Addition) 829, 849 County Road 13, Prince Edward County (benefitting lot) 847 County Road 13 - Donald and Deborah Hudson**

This Planning Justification Report has been prepared in support of an application for Consent for a technical lot addition involving lands municipally known as 829 and 849 County Road 13 (the severed lands) and the abutting residential property (benefitting lands) known as 847 County Road 13 in Prince Edward County. The subject lands are owned by Donald and Deborah Hudson.

The application proposes the severance of approximately 0.31 hectares from the lands known municipally as 829 and 849 County Road 13, to be added to the existing residential parcel at 847 County Road 13. No new lot is being created; rather, the proposal represents a technical consent intended to regularize property boundaries.

The purpose of the lot addition is to ensure that an existing geothermal loop system, installed to service the single detached dwelling at 847 County Road 13, is fully contained within the same parcel as the dwelling it serves. The geothermal system currently extends across the property boundary into lands at 829 and 849 County Road 13, which are under the same ownership. The proposed consent corrects this condition and ensures appropriate long-term servicing arrangements.

The irregular configuration of the proposed severed parcel reflects site-specific constraints. The owners have recently placed the majority of their farm holdings under an agricultural conservation easement with the Ontario Farmland Trust. The lands subject to this application were intentionally excluded from the easement due to the presence of the geothermal infrastructure. As a result, the severance boundary is shaped to avoid the easement area while fully encompassing the underground loop system.

### **Land Use Designations and Zoning**

Under the Prince Edward County Official Plan (2021), the subject lands are designated Hamlet and Agricultural. The severed lands are primarily within the Hamlet designation, with a small portion extending into the Agricultural designation. The receiving lands at 847 County Road 13 are designated Hamlet with a small portion designated Agricultural.

The current zoning of the lands is Rural and Agricultural. A companion Zoning By-law Amendment proposes to rezone the severed lands to Hamlet Zone, consistent with the receiving parcel, while the retained lands will remain Rural and Agricultural. No new uses or development permissions are proposed as part of this application.

## **Consistency with the Provincial Planning Statement (PPS), 2024**

The Provincial Planning Statement, 2024 provides policy direction for land use planning across Ontario, including policies related to agricultural land protection, settlement areas, and lot creation. The proposed technical consent has been reviewed against the relevant PPS policies and is consistent with its overall intent.

### **PPS 2024 – Section 2: Settlement Areas**

Policy 2.3.1- The PPS directs that settlement areas, including hamlets, shall be the focus of growth and development and that land use patterns make efficient use of land and infrastructure.

Policy Consistency Analysis: The receiving parcel at 847 County Road 13 is located within a Hamlet designation and contains an existing single detached dwelling. The proposed lot addition does not create a new lot or introduce new development within the hamlet. The adjustment supports the continued safe and efficient operation of existing residential servicing infrastructure.

### **PPS 2024 – Section 4.3: Agricultural Areas**

Policy 4.3.1 – Protection of the Agricultural Land Base The PPS requires that prime agricultural lands be protected for long-term agricultural use.

Policy Consistency Analysis: The proposed consent does not create an additional lot and does not introduce any new residential permissions on agricultural lands. The severed area is limited in size and largely located within the Hamlet designation, with only a minor portion extending into Agricultural lands. The retained agricultural lands remain intact, viable, and capable of long-term agricultural use. The proposal does not result in the loss of productive agricultural land or interfere with ongoing farm operations.

Policy 4.3.3.2- The PPS also permits lot adjustments that do not undermine the agricultural land base or create land use conflicts for legal or technical reasons. The technical nature of this application satisfies these criteria as it is looking to include the heating and cooling system within the benefitting property.

## **Conformity with the Prince Edward County Official Plan (2021)**

The proposal conforms with the applicable policies of the Prince Edward County Official Plan, including those related to Hamlet Areas and Agricultural Areas.

## Hamlet Area Policies

Policy 4.1.4 – Hamlet Areas Policy 4.1.4.1 – General Policies for Hamlet Areas Policy 4.1.4.3 – Permitted Uses Policy 4.1.4.6 - New Development 4.1.4.8 – Servicing Policies

The Official Plan identifies Hamlets as small-scale rural settlement areas intended to accommodate existing development and limited infill, while maintaining compatibility with surrounding rural and agricultural uses. The policies permit single detached dwelling units and include the Hamlet of Black River with new development looking to ensure a built form that is in keeping with existing development.

Conformity Assessment: The receiving lands at 847 County Road 13 are designated Hamlet and contain an existing residential dwelling. The proposed lot addition does not increase development density or introduce new land uses within the Hamlet. The proposal supports appropriate servicing and the long-term functionality of an existing residential use, consistent with the intent of the Hamlet designation.

## Agricultural Area Policies

Policy 4.2.1 – Intent 4.2.3 – Permitted Uses in Agricultural Areas Policy 4.2.6 – Lot Creation in Agricultural Areas 4.2.9 - Lot adjustments

The Official Plan prioritizes the protection of agricultural lands and limits lot creation within Agricultural designations, while recognizing that technical consents may be permitted where no new lots are created and no adverse impacts occur. Lot adjustments may be permitted for legal for technical reasons such as minor boundary adjustments.

Conformity Assessment: The severance represents a technical lot adjustment only and does not create an additional parcel. The small portion of land within the Agricultural designation is required solely to accommodate existing geothermal infrastructure and does not enable residential expansion or additional development. The retained Agricultural lands remain suitable for agricultural use and are further protected through the existing agricultural easement.

## Zoning By-law Compliance

Current Zoning: Severed and Retained Lands: Rural and Agricultural Zones

Proposed Zoning: Severed Lands (to be added to 847 County Road 13): Hamlet Zone  
Retained Lands: Remain Rural and Agricultural

How Zoning Requirements Are Met: The Hamlet Zone appropriately reflects the residential use of the receiving parcel and implements the Official Plan designation. The

retained lands maintain their existing zoning, ensuring no expansion of residential permissions within Agricultural or Rural areas. The zoning amendment is technical in nature and aligns zoning with existing land use and infrastructure.

### Servicing Considerations

The dwelling at 847 County Road 13 is serviced by a geothermal heating and cooling system. The proposed lot addition ensures that the full extent of the geothermal loop is located on the same parcel as the dwelling it serves. No changes to servicing capacity or function are proposed. There is no impact on agricultural servicing of the retained lands.

### Conclusion

The proposed technical consent involving lands at 829, 849 and 847 County Road 13 is consistent with the Provincial Planning Statement, 2024, conforms to the Prince Edward County Official Plan (2021), and represents good planning.

The proposal: Does not create a new lot or introduce new development; Protects agricultural lands and avoids unnecessary fragmentation; Supports the proper functioning of existing residential servicing infrastructure; Aligns Official Plan designations and zoning with existing land use; Respects the agricultural conservation easement affecting the broader farm property.

In summary, the application is technical in nature, addresses a legitimate servicing issue, and can be supported without adverse land use impacts. Approval of the Consent and associated Zoning By-law Amendment is recommended.



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