REPORT SUMMARY

OWNER, APPLICANT or AGENT SHOULD ATTEND THE CONSIDERATION OF THIS APPLICATION

Date of Consideration: **June 11, 2015** **TIME: 9:20 a.m.**

File Number: **B29/15**

Applicant: **William Laverne Hartung**

Subject Lands: TOWNSHIP OF CENTRE WELLINGTON (Eramosa) – Part lot 27, Concession 4

Proposal is a request for consent to convey fee simple for a proposed lot line adjustment 8.6 acres with 168' frontage in the TOWNSHIP OF CENTRE WELLINGTON (Eramosa) – Part lot 27, Concession 4, existing agricultural use to be added to abutting agricultural parcel – William Laverne Hartung & William John Hartung; retained lands are 1.4 acres.

ISSUES: neighbour concerns

SUMMARY of FILED REPORTS and COMMENTS:

Township of Centre Wellington – planning staff opinion – conforms to zoning; no conditions

County Planning notice cards were posted; Prime Agricultural, Core Greenlands and Greenlands; application is consistent with Provincial Policy and generally conforms to Official Plan; no concerns; conditions to merge

Conservation Authority (GRCA) – no objection to lot line adjustment

Others (e.g. neighbours) – John & Susan Krasko 5968 Fifth Line Eramosa Rockwood, ON N0B 2K0) – objection; concern for groundwater; application is to take the next step and ask to remove aggregates from remaining eight acres; do not want increase in gravel trucks and backhoes right beside our property; gravel pit too close to residence; farming being done on the existing 8 acres by tenant farmer – land must be preserved. **Request notification of consideration and decision**

PROPOSED CONDITIONS of APPROVAL

1) THAT the Owner's solicitor, in preparation for the issuance of the Certificate of Consent, provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee a printed copy of the "completed electronic transfer document in preparation".
2) THAT the solicitor for the Owner give and undertaking in writing to provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee within 30 days of the date of registration in the Land Registry/Land titles Office for Wellington (No. 61) a copy of the receipted and registered electronic Transfer **including the Form 4 Certificate** and **Application for Consolidation of Parcels document for the consented parcel and the abutting lands to which the consented parcel is to be added** for Consent B29/15.
3) THAT the Owner, as provided for under Section 69 of the Planning Act, R.S.O. 1990, shall pay to the Treasurer of the County of Wellington the administrative fee which is in effect at the time of the payment of the fee for the review and issuance of the Certificate of Consent for the severed parcel.
4) THAT the transfer for registration with respect to description complies with Ontario Regulation 43-96; and if that description contains a reference to a Reference Plan(s), the Owner's solicitor **shall provide a full print of that deposited reference plan(s)** to the secretary-treasurer of the Planning and Land Division Committee.
5) THAT the Purchaser take title of the severed lands in the same manner as he holds his abutting lands; and **THAT** Section 50, subsection (3) of the Ontario Planning Act, R.S.O. 1990 as amended shall apply to any subsequent conveyance or any transaction involving the parcel of land that is the subject of this consent.
6) THAT the conveyancing documents for the severed parcel contain a statement to ensure that Section 50, subsection (3) of the Planning Act, R. S. O. 1990, as amended shall apply to any subsequent conveyance or transaction with respect to the land described herein; and a statement that the consented parcel and the abutting lands to which this consented parcel is to be added shall be dealt with contemporaneously in any future conveyances or transactions unless further consent is granted under the Planning Act or other lawful order.

*****Conditions may be deleted, added to, or changed at meeting*****

County of Wellington Planning and Land Division Committee
Deborah Turchet, Secretary-Treasurer
Wellington County Administration Centre
74 Woolwich Street, Guelph, ON N1H 3T9

May 28, 2015

NOTICE OF CONSIDERATION IN PUBLIC FORUM

Pursuant to SECTION 53 of the ONTARIO PLANNING ACT and applicable Regulations

with respect to Application for consent,

File B29/15

APPLICANT

William Laverne Hartung
42 Carriage Lane
RR#3
Guelph ON N1H 6H9

LOCATION OF SUBJECT LANDS:

CENTRE WELLINGTON (Eramosa)
Part Lot 27
Concession 4

Proposed lot line adjustment is 8.6 acres with 168' frontage (Area B on sketch), existing agricultural use to be added to abutting agricultural parcel – William Laverne Hartung & William John Hartung. (Area C on sketch)

Retained parcel is 1.4 acres with 232' frontage (Area A on sketch), existing and proposed rural residential use with existing house & drive shed.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, June 11, 2015**

AT 9:20 A.M. for the purpose of considering this matter.

CONSIDERATION WILL BE HELD IN THE: 3A (Keith Room)
County of Wellington Administration Centre
74 Woolwich Street
Guelph, Ontario N1H 3T9

NOTICE is being sent to you for your information. **THE OWNER, APPLICANT OR AUTHORIZED AGENT, OR AUTHORIZED SOLICITOR SHOULD ATTEND THIS CONSIDERATION**. Any person may be represented by counsel who has been duly authorized for that purpose.

Even if the owner/applicant does not attend, the Committee will consider the application as scheduled, and the applicant, except as otherwise provided in the Planning Act, will not be entitled to any further notice in the Proceedings.

Please also be advised that if a person or public body that filed an appeal of a decision of the County of Wellington Planning and Land Division Committee in respect of the proposed consent has not made written submission to the County of Wellington Planning and Land Division Committee before it gives or refuses to give a provisional consent, then the Ontario Municipal Board may dismiss the appeal.

A Copy of the **DECISION** of the Committee will be sent **to the applicant, and to each person or agency who filed with the Secretary-Treasurer a written request for Notice of Decision.**

Additional Information regarding the application is available to the public during regular business hours, Monday to Friday at the County of Wellington Planning and Land Division Office - 74 Woolwich St. Guelph ON N1H 3T9

Phone - (519) 837-2600 x2170 Fax – (519) 837-3875

To view comments for this application on our website www.wellington.ca follow these steps:

- ⇨ **Government**
- ⇨ **Council and Standing Committees**
- ⇨ **Land Division Committee**
- ⇨ **choose month & year in drop down menus**
- ⇨ **Choose Land Division Committee in the drop down menu**
- ⇨ **open appropriate agenda**

TO: **Applicant – William Laverne Hartung & William John Hartung**
Agent – Derek Graham
Other: John & Susan Krasko 5968 Fifth Line Eramosa Rockwood, ON N0B 2K0)

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MUNICIPALITY COMMENTING FORM

The Planning and Land Division Committee, in considering the following application, respectfully requests input from the municipality. The Application and Sketch are enclosed for your information.

FILE NO: B29/15

APPLICANT

William Laverne Hartung
42 Carriage Lane
RR#3
Guelph ON N1H 6H9

LOCATION OF SUBJECT LANDS

CENTRE WELLINGTON (Eramosa)
Part Lot 27
Concession 4
5990 Fifth Line / 5972 Fifth Line

Proposed lot line adjustment is 8.6 acres with 168' frontage (Area B on sketch), existing agricultural use to be added to abutting agricultural parcel – William Laverne Hartung & William John Hartung. (Area C on sketch)

Retained parcel is 1.4 acres with 232' frontage (Area A on sketch), existing and proposed rural residential use with existing house & drive shed.

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER: 2326.000.031.11900

Does this description reasonably describe the parcel holdings? YES(✓) NO( )

If answer is no, please provide new information: _____

Do you consider this proposal to conform to your Official Plan? YES( ) NO( ) County of Wellington OP applies

What Section(s) does it conform to or contravene? (Please specify)

_____

_____

Will the Severed Parcel comply with all requirements of the Zoning By-law? YES [✓] NO [ ]

(Please Specify) "A" - Agricultural

Will the Retained Parcel comply with all requirements of the Zoning By-law? YES [✓] NO [ ]

(Please Specify) "A" - Agricultural

If Necessary, would the Municipality be prepared to consider an **Amendment** to the Zoning By-Law to permit the proposal to conform? YES( ) NO( ) N/A(✓) or **Minor Variance** YES( ) NO( ) N/A(✓)

Is proposal on an opened maintained year-round public road YES(✓) NO( )
If answer is NO, is municipality willing to enter into an agreement regarding use of the seasonal road, or opening up the road ?

Please specify Fifth Line

_____

Is the Proposed Lot(s) serviced now by Municipal Water YES( ) NO(✓)

Is the Retained Lot serviced now by Municipal Water YES( ) NO(✓)

Is the Proposed Lot(s) serviced now by Municipal Sewers YES( ) NO(✓)

Is the Retained Lot serviced now by Municipal Sewers YES( ) NO(✓)

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WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Is there a **Capital Works Project** underway to service these lots in the near future YES( ) NO(✓)

Approximate Time of Servicing Availability: _____

Are there any other servicing arrangements, Municipal easements or Municipal Drains on the subject lands?

N/A

Continued to Page 2

MUNICIPALITY COMMENTING FORM

FILE NO: B29/15

Is the Municipality's Building Official satisfied that there is a sufficient site on the severed parcel for individual well and septic services?
YES [ ]NO [ ]

N/A

Is there any further information that may assist the Planning and Land Division Committee?
[A letter may be attached if there is insufficient space to explain]

N/A

Is the Municipality in support of this application? **YES**(✓) **NO**( ) Planning staff opinion only.

What Conditions, if any, are requested by the Municipality if the Consent is granted?

N/A

Does the Municipality request a Notice of the Decision? YES(✓) NO( )

SIGNATURE _____

TITLE: Planner

ADDRESS: 1 MacDonald Square, Elora ON N0B 1S0

DATE: May 20/15

Planning and Development Department | County of Wellington
County Administration Centre | 74 Woolwich Street | Guelph ON N1H 3T9
T 519.837.2600 | F 519.823.1694

Application	B29/15
Location	Part Lot 27, Concession 4 TOWNSHIP OF CENTRE WELLINGTON
Applicant/Owner	William Laverne Hartung

PLANNING OPINION: This proposed lot line adjustment application would sever a vacant 3.5 ha (8.6 ac) agricultural parcel and merge it with an adjacent 20 ha (48.4 ac) vacant agricultural parcel paritally used for mineral aggregate extraction. The resulting lot would be a vacant 23.5 ha (58.1 ac) parcel. A 0.6 ha (1.4 ac) parcel would be retained with existing dwelling and metal clad shed.

This application is consistent with Provincial Policy and would generally conform to the Official Plan. We would have no concerns, provided that the following matters are addressed as conditions of approval:

a) That the purchaser take title to the severed lands in the same manner as they hold their abutting land; and,
b) That Subsection 50(3) of the Planning Act, R.S.O., 1990 be applied to any subsequent conveyance or any transaction involving the parcel of land that is the subject of this Consent.

PLACES TO GROW: No issues.

PROVINCIAL POLICY STATEMENT (PPS): Section 2.3.4.2 states that Lot line adjustments in prime agricultural areas may be permitted for legal or technical reasons.

WELLINGTON COUNTY OFFICIAL PLAN: The subject property is designated PRIME AGRICULTURAL, CORE GREENLANDS and GREENLANDS in the County official plan. The Greenland's features represent significant wetlands, Hazardlands and Forested areas 20 ha +.

Section 10.3.5 of the Official Plan provides for lot line adjustments in Prime Agricultural areas for "legal or technical reasons, such as easements, corrections of deeds, quit claims, and minor boundary adjustments". Lot line adjustments may also be permitted where no adverse effect on agriculture will occur where:

- Two abutting farms are merged and an existing farm residence is made surplus to the resulting large parcel,
- More viable agricultural operations will result, and;
- An undersized lot is made more useable given the requirement for appropriate sewer and water systems

Lot line adjustments are deemed not to create new lots for the purposes of this plan. The creation of new lots for residences surplus to farm operations is not permitted.

The matters under Section 10.1.3 were also considered...j) "that natural resources such as agricultural lands and mineral aggregates would not be affected adversely".

ADDITIONAL INFORMATION: The applicant has not indicated any plans to expand the gravel pit or develop on the subject property. The application states that the severed lands will be used for agricultural purposes (cash crops). Should plans for the extension of the gravel pit on the property come forward in the future; the necessary licensing and planning approvals will be required to permit this uses.

LOCAL ZONING BY-LAW: The subject property is currently zoned Agricultural (A), Environmental Protection (EP) zone, Environmental Protection Overlay and Extractive Industrial (M3) zone.

SITE VISIT INFORMATION: The subject property was visited and photographed on May 15th 2015. Notice Cards were posted and the survey sketch appears to meet the application requirements.

Jameson Pickard

Jameson Pickard, Planner
May 20th, 2015

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WELLINGTON COUNTY
LAND DIVISION COMMITTEE

400 Clyde Road, P.O. Box 729, Cambridge, ON N1R 5W6
Phone: 519-621-2761 **Toll free:** 866-900-4722 **www.grandriver.ca**

PLAN REVIEW REPORT TO: County of Wellington, Planning & Land Division Committee
Deborah Turchet, Secretary-Treasurer

DATE: May 11, 2015 **YOUR FILE:** B29/15
GRCA FILE: CentWell/2015/Sev/C

RE: **Application for Consent B29/15**
Part Lot 27, Concession 4
Township of Centre Wellington
William Laverne Hartung

GRCA COMMENT:*

The Grand River Conservation Authority (GRCA) has no objection to the lot line adjustment as currently submitted.

BACKGROUND:

1. **Resource Issues:**

   Information currently available at this office indicates that the lands to be added to contain watercourses, floodplain, portions of the Speed Lutteral Swan Creek Provincially Significant Wetland Complex and the regulated allowances to these features.

   Information currently available at this office indicates that the lands to be severed contain the regulated allowance to the above noted wetland.

2. **Legislative/Policy Requirements and Implications:**

   Due to the presence of the above noted features, portions of the lands are regulated under the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 150/06). A permit would be required from the GRCA prior to development taking place pursuant to Ontario Regulation 150/06.

3. **Additional Information/Suggestions provided in an advisory capacity:**

   We wish to acknowledge receipt of the applicable plan review fee in the amount of $380.00 for the processing of this application.

Should you have any questions or require further information, please contact the undersigned at 519-621-2763 ext. 2320.

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WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Yours truly,

Jason Wagler, MCIP, RPP
Resource Planner
Grand River Conservation Authority

* ***These comments are respectfully submitted to the Committee and reflect the resource concerns within the scope and mandate of the Grand River Conservation Authority.***

Encl. (1)

cc. Mariana Iglesias, Township of Centre Wellington
Sarah Wilhelm, County of Wellington
William Laverne Hartung, 42 Carriage Lane, RR#3, Guelph, ON N1H 6H9

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Grand River Conservation Authority
Map created: May 6, 2015

B29/15

LEGEND

- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- WATERCOURSE - DRAFT (GRCA)
- PARCELS (WELLINGTON)
- LOTS (NRVIS)
- FLOODPLAIN (GRCA)
  - ENGINEERED
  - APPROXIMATE
  - ESTIMATED
- WETLAND (GRCA)
- SLOPE VALLEY (GRCA)
  - STEEP
  - OVERSTEEP
- SLOPE EROSION (GRCA)
  - STEEP
  - OVERSTEEP
  - TOE
- PARKS (GRCA)
- REGULATION LIMIT 2014 (GRCA)
- 2010 ORTHO (ONT)

GRCA Disclaimer

This map is for illustrative purposes only. Information contained hereon is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.

The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to:

http://grims.grandriver.ca/docs/SourcesCitations1.htm

0 57 114 171 228 m.

NAD 1983, UTM Zone 17 Scale 1:5,000

N

May 13, 2015

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WELLINGTON COUNTY
LAND DIVISION COMMITTEE

FROM: John and Susan Krasko
5968 Fifth Line Eramosa
Rockwood, ON N0B 2K0
Lot 27, Concession 4

TO: County of Wellington Planning and Land Division Committee
Deborah Turchet, Secretary-Treasurer
Wellington County Administration Centre
74 Woolwich Street, Guelph, ON N1H 3T9
B29/15

Thank you for sending my family this application and the opportunity to respond. I don't know if one voice will make a difference but I would like to highlight some of my family's concerns.

We are against the application for the one and eight acre severance.

First, it was our understanding that Centre Wellington Township was not allowing any more one acre severances off already divided lots.

Lot 27 has two existing severances to the original 50 acre parcel: - The 9.4 acres (under application) and a one acre lot on the other side. We are under the assumption that the one acre "Retirement lot" has already been given.

Second, the only reason for the application is due to the existing gravel pit having little aggregates left in it and another application will be made to remove aggregates from the eight acres on this application. We feel the existing pit should be closed up and rehabilitated at this point.

We do NOT want an increase in gravel trucks and backhoes right beside our property digging away causing disruptive noise with increased dust and particulates circulating onto our home all day long. That is much too close for a gravel pit to be next to a residence.

Third, there is already farming being done on the existing 8 acres by a tenant farmer and this type of land must be preserved. Can our prime farmland be so easily chopped up and rezoned for other uses? Now with Fergus growing rapidly – it is vital that we protect the remaining farm land in the area. Farmers feed cities but farmers need good agricultural land to produce efficient crops.

Finally the concern for our groundwater is always at the forefront. As mentioned above, the only reason for this application is to take the next step and ask to remove aggregates from the remaining eight acres.

We are completely opposed to this application for a one and eight acre severance.

Sincerely,

John and Susan Krasko

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May 13, 2015

TO:

County of Wellington Planning and Land Division Committee
DeborahTurchet, Secretary- Treasurer
Wellington County Administration Centre
74 Woolwich Street, Guelph ON N1H3T9

FROM:

John and Susan Krasko
5968 Fifth Line Eramosa
Rockwood, ON N0B 2K0
(519) 856-9654

This is our written request to:

1) Be NOTIFIED OF THE DATE AND TIME OF THE CONSIDERATION for Applicant File No. B29/15
   Applicant is William Laverne Hartung
   Location of Subject Lands – Centre Wellington (Eramosa) Part Lot 27 Concession 4.
2) Be NOTIFIED OF THE DECISION of the County of Wellington Planning and Land Division Committee.

Sincerely,

Susan Krasko

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WELLINGTON COUNTY
LAND DIVISION COMMITTEE