REPORT SUMMARY

THIS PROPOSAL HAS BEEN PLACED INTO THE EXPEDITED APPROVAL PROCESS YOUR ATTENDANCE IS NOT REQUIRED BEFORE THE LAND DIVISION COMMITTEE. PLEASE SIGN and RETURN THE 'AGREEMENT TO CONDITIONS' LETTER IMMEDIATELY

Date of Consideration: **June 11, 2015**

File Number: **B36/15**

Applicant: **Edgar & Marlene Larter**

Subject Lands: TOWNSHIP OF WELLINGTON NORTH (West Luther) – Part Lot 3, Concession 12

Proposal is a request for consent to convey fee simple for a proposed severance 1.53 hectares (3.78 acres) with 94m frontage in the TOWNSHIP OF WELLINGTON NORTH (West Luther) – Part Lot 3, Concession 12, existing agricultural & woodlot use for proposed school; retained lands are 1.76 hectares (4.35 acres).

ISSUES: none

SUMMARY of FILED REPORTS and COMMENTS:

Township of Wellington North – in support of application; zoning to allow a parochial school; conditions to apply

County Planning - notice cards were posted; application is consistent with Provincial Policy for this type of use and generally conforms to Official Plan Section 10.3.6 – consideration of a severance for "small-scale schools….."; no concerns; require farm data sheet for livestock facility located at 8041 Line 12 to ensure appropriate MDS setbacks are met;

Conservation Authority (Saugeen Valley) – application for consent is acceptable

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 an 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 document including the Form 2 Certificate for Consent B36/15.
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 Owner receive approval from the Township of Wellington North road authority in a manner deemed acceptable to that road authority for an entrance to the severed parcel; and further that the Township of Wellington North file a letter of clearance of this condition with the Secretary-Treasurer of the Planning and Land Division Committee as written proof of fulfillment of this condition.
6) THAT the Owner satisfy all the requirements of the local municipality, financial and otherwise which the local municipality may deem to be necessary at the time of issuance of the Certificate of Consent for the proper and orderly development of the subject lands; and further that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
7) THAT the Owner satisfy the requirements of the Local Municipality in reference to parkland dedication as provided for in the Planning Act, R.S.O. 1990; and that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
8) THAT the severed parcel be rezoned to allow a parochial school to the satisfaction of the Township of Wellington North and further that the Township of Wellington North file with the Secretary-Treasurer of the Planning and Land Division Department a letter of clearance of this condition.
9) THAT the County of Wellington Planning Department submit to the Secretary-Treasurer of the Planning and Land Division Committee written approval which indicates that the Minimum Distance Separation required under Formula 1 are met.

*****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 B36/15

APPLICANT

Edgar & Marlene Larter
8123 Line 12
RR#1
Conn ON N0G 1N0

LOCATION OF SUBJECT LANDS:

WELLINGTON NORTH (West Luther)
Part Lot 3
Concession 12

Proposed severance is 1.53 hectares with 94m frontage, existing agricultural & woodlot use for proposed school.

Retained parcel is 1.76 hectares with 198.6m frontage, existing and proposed rural residential and woodlot use with existing house & metal clad shed.

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

for the purpose of considering this **EXPEDITED APPLICATION.**

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 IS NOT REQUIRED TO ATTEND**. MAKE SURE THAT THE AGREEMENT LETTER IS SIGNED AND RETURNED TO THE PLANNING AND LAND DIVISION COMMITTEE OFFICE.

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 – Edgar & Marlene Larter**

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: B36/15

APPLICANT

Edgar & Marlene Larter
8123 Line 12
RR#1
Conn ON N0G 1N0

LOCATION OF SUBJECT LANDS

WELLINGTON NORTH (West Luther)
Part Lot 3
Concession 12

Proposed severance is 1.53 hectares with 94m frontage, existing agricultural & woodlot use for proposed school.

Retained parcel is 1.76 hectares with 198.6m frontage, existing and proposed rural residential and woodlot use with existing house & metal clad shed.

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER: 23-49-000-016-03250-0000

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

If answer is no, please provide new information: _____

Do you consider this proposal to conform to your Official Plan? YES( ) NO( )

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 [X] NO [ ]

(Please Specify) Sections 8.5 and 8.2.1.(b) of Zoning by-law 66-01_____

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

(Please Specify) Section 8.5 of Zoning By-law 66-01_____

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(X) 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 _____

_____

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

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

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

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

RECEIVED
MAY 12 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

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

Approximate Time of Servicing Availability: _____

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

Continued to Page 2

MUNICIPALITY COMMENTING FORM

FILE NO: B36/15

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

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]

Is the Municipality in support of this application? **YES**(X) **NO**( )

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

- the severed parcel be rezoned to allow a parochial school to the satisfaction of the local municipality;
- servicing and safe driveway access is addressed to the satisfaction of the Municipality.
- the Owner satisfy all the requirements of the local municipality, financial and otherwise which the local municipality may deem to be necessary at the time of issuance of the Certificate of Consent for the proper and orderly development of the subject lands;
- the Owner satisfy the requirements of the local Municipality in reference to parkland dedication.

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

SIGNATURE Karen Wallace

TITLE: Clerk

ADDRESS: 7490 S/R 7 West, Box 125 Kenilworth, ON N0G 2E0

DATE: May 12, 2015

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

RECEIVED
MAY 20 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Application	B36/15
Location	Part Lot 3, Concession 12 TOWNSHIP OF WELLINGTON NORTH
Applicant/Owner	Edgar & Marlene Larter

PLANNING OPINION: This application would sever a vacant 1.53 ha (3.7 ac) parcel in the Prime Agricultural area to be used for a parochial school. A 1.76 ha (4.3 ac) parcel would be retained with an 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 severed parcel be rezoned to allow a parochial school to the satisfaction of the local municipality;
b) That MDS compliance can be demonstrated to the satisfaction of the County of Wellington Planning Department;
c) That any concerns of the Conservation Authority are addressed; and,
d) That servicing and safe driveway access is addressed to the satisfaction of the Municipality.

PLACES TO GROW: No issues.

PROVINCIAL POLICY STATEMENT (PPS): The subject property is within a prime agricultural area. Within prime agricultural areas, lot creation may be considered for new agricultural parcels, agriculture-related uses, a residence surplus to a farming operation and infrastructure.

The PPS, while not specifically allowing for uses such as a parochial school and related lot creation in the Prime Agricultural Area, does provide important policy direction that land use patterns that would cause public safety concerns should be avoided and that necessary public service facilities should be available to meet current and projected community needs. On the basis of the public safety considerations of unique communities relying extensively on horse drawn vehicles as their sole means of transportation, this proposal would be consistent with the PPS to allow for this type of use and severance.

With respect to Minimum Distance Separation 1 (MDS1), we have been provided with a Farm Data Sheet for the livestock facility located to the North at 8094 Line 12 and are satisfied that MDS can be met this structure. We would still require a farm data sheet for the livestock facility located at 8041 Line 12 to ensure that the appropriate MDS setbacks can be met.

WELLINGTON COUNTY OFFICIAL PLAN: The subject lands are designated PRIME AGRICULTURAL and CORE GREENLANDS. The Greenland's designation represents hazard lands.

Section 10.3.6 provides for consideration of a severance for "small-scale schools, churches and associated cemeteries where required to serve the needs of unique communities including those relying extensively on horse drawn vehicles as their sole means of transportation. Reasonable efforts will be made to locate these uses to minimize impacts on agriculture."

The matters under Section 10.1.3 were also considered including i) that lots are not created in areas which would pose a threat to public health or safety.

LOCAL ZONING BY-LAW: The subject property is currently zoned Agricultural (A) and Natural Environment (NE) zone. It appears that both the severed and retained parcel can meet the minimum lot area and frontage requirements. It would be our recommendation that the severed parcel be rezoned to the appropriate site specific agricultural zone to permit the school use.

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, Junior Planner
May 20th, 2015

1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0
Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

SENT ELECTRONICALLY ONLY (debt@wellington.ca)

May 12, 2015

County of Wellington Planning & Land Division Committee
Wellington County Administration Centre
74 Woolwich Street
Guelph, ON
N1H 3T9

RECEIVED
MAY 12 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

ATTENTION: Deborah Turchet, Secretary-Treasurer

Dear Ms. Turchet,

RE: Application for Consent B36/15
8123 12th Line
Part Lot 3, Concession 12
Geographic Township of West Luther
Township of Wellington North (Edgar & Marlene Larter)

The Saugeen Valley Conservation Authority (SVCA) has reviewed the above noted application for consent in accordance with the SVCA's mandate and policies and the Memorandum of Agreement between the Authority and the County of Wellington relating to plan review. The application proposes to sever a 1.53 hectare parcel with 94 metres of frontage, existing agricultural and woodlot use for a proposed school. The application for consent is acceptable the Authority. The following comments are offered.

Natural Heritage

The Significant Natural Heritage features affecting the subject property, are the fish habitat associated with West Luther Municipal Drain # 12, and the habitat of threatened or endangered species.

Habitat of Threatened or Endangered Species

It has come to the attention of the SVCA that the habitat of threatened or endangered species may be located in the area of the proposed development. Provided the applicable legislation referenced by Section 2.1.7 of the Provincial Policy Statement (PPS) is addressed by the applicant associated with this proposal then Threatened or Endangered Species policies have been accommodated by the proposed. Please contact the Ministry of Natural Resources and Forestry (MNRF) to address this policy.

Wellington County Official Plan

The southerly portions of the severed and retained parcels are designated Core Greenlands in the Wellington County Official Plan.

Section 5.4.3 of the Wellington County Official Plan states in part:

> *"The Core Greenalnds designation includes areas subject to flooding hazards and erosion hazards and hazardous sites that could be unsafe for development or site alteration due to naturally occurring hazards like organic soils or unstable bedrock conditions. Generally development shall be directed away from areas in which conditions exist which would post risk to public health and safety or property caused by natural hazards....Development shall not be permitted to locate in hazardous lands where the use is an institutional use associated with ...pre-school, school nurseries, day care and schools where there is a threat to safe evacuation during an emergency..."*

In the opinion of the SVCA, there appears to be adequate space in the open agricultural field to the north of the Core Greenlands designation to accommodate an Old Order Mennonite School.

SVCA Regulations

Please be advised that the majority of this property is subject to the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations (Ontario Regulation 169/06, as amended). This Regulations is in accordance with Section 28 of the Conservation Authorities Act, R.S.O.), 1990, Chap. C. 27 and requires that a person obtain the written permission from the SVCA prior to any "development" within a Regulated Area or alteration to a wetland or watercourse. Although mapping showing the Regulation Limit on the subject property is not available at this time, the NE zone plus a 50 metre offset distance from the Zone boundary should be used as an approximate screening area within which the Regulation could apply.

Development and Alteration

Subsection 28(25) of the Conservation Authorities Act defines "development as:

a) *the construction, reconstruction, erection or placing or a building or structure of any kind,*
b) *any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,*
c) *site grading, or*
d) *the temporary or permanent placing, dumping, or removal of any material, originating on the site or elsewhere.*

According to Section 5 of Ontario Regulation 169/06, as amended, alteration generally includes the straightening, diverting or interference in any way with the existing channel of a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

Permission for Development

If development or alteration is proposed in or near the Regulated Area on the property, the SVCA should be contacted as permission may be required.

The proposal as described with this application may be subject to SVCA Regulations. The SVCA recommends the applicant contact the SVCA directly to begin this review process.

Township of Wellington North Zoning By-Law No. 66-01

According to the Township of Wellington North Zoning By-Law No. 66-01, the southerly portion of the severed and retained parcels are zoned Natural Environment (NE). In general, no new buildings or structures are permitted in the NE Zone.

Conclusion

All of the plan review functions listed in the Agreement have been assessed with respect to this proposal. The Authority is of the opinion that this application for consent conforms to the relevant policies of the Wellington County Official Plan and Provincial Policies.

We trust that these comments are helpful. Should questions arise, please do not hesitate to contact this office.

Sincerely,

Valerie Lamont

Valerie Lamont
Environmental Planning Technician (Acting)
Saugeen Conservation

VL\

cc: Karen Wallace, Clerk – Township of Wellington North (via email)
Jana Poechman, Land Division Committee Clerk (via email)
Edgar & Marlene Larter, Owners (8123 RR # 1, Conn, ON, N0G 1N0)
Steve McCabe, SVCA Director (via email)