REPORT SUMMARY

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

Date of Consideration: **June 11, 2015** **TIME: 9:30 a.m.**

File Number: **B30/15**

Applicant: **Albert Gibson**

Subject Lands: TOWN OF MINTO – Part Lot 16, Concession 17

Proposal is a request for consent to convey fee simple for a proposed severance 62 acres with 1865.4' frontage in the TOWN OF MINTO – Part Lot 16, Concession 17, existing and proposed agricultural use; retained lands are 25 hectares.

ISSUES: County Planning – smaller severed parcel
Natural Heritage Woodlands on severed and retained – Ministry of Natural Resources

SUMMARY of FILED REPORTS and COMMENTS:

Town of Minto – Council recommends approval subject to conditions

County Planning - severed and retained would result in small agricultural parcels; no evidence given to illustrate viable agricultural pursuits possible on either parcel; application states cash cropping operation – severed has 28 acres and retained approximately 14 acres of tillable acreage split by natural features. Satisfied that a 1 ha building envelope can be achieved outside the MDS1 arc for severed and retained parcels
Alternative –planning staff suggest and would be supportive of severing a smaller (1-2 acre) rural residential lot. A suitable lot configuration could be established that would meet MDS 1 requirements from area barns.

Conservation Authority (Saugeen Valley) - Natural Heritage – Provincially Significant Wetlands , Significant Woodlands – portion of Clifford-Harriston Complex is located on parcel to be severed; South Saugeen River Complex located on parcel to be retained; habitat of threatened or endangered species may be located in the area of proposed development; please contact the Ministry of Natural Resources and Forestry to address policy;

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 B30/15.
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 Town of Minto in a manner deemed acceptable to that road authority for an entrance to the severed parcel; and further that the Town of Minto 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.

????MNR???

*****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 B30/15

APPLICANT

Albert Gibson
6230 16th Line
RR#3
Clifford ON N0G 1M0

LOCATION OF SUBJECT LANDS:

TOWN OF MINTO
Part Lot 16
Concession 17

Proposed severance is 62 acres with 1865.4' frontage, existing and proposed agricultural use.

Retained parcel is 25 hectares with 1807.8' frontage, existing and proposed residential and agricultural use with existing house and drive shed.

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

AT 9:30 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 – Albert Gibson** **Agent – Derek Graham**

May 8, 2015

Deborah Turchet, Secretary Treasurer
County of Wellington
Planning & Land Division Committee
74 Woolwich Street
Guelph, Ontario
N1H 3T9

Re: Albert Gibson: B30/15

Dear Deborah:

The Council of the Town of Minto at their regular Council meeting held on May 8, 2015 approved the following motion;

THAT the Town of Minto Council recommends the County of Wellington Land Division Committee approve Severance Application B30/15, Albert Gibson, 6230 16th Line, Part Lot 16 Concession 17, Town of Minto that the following conditions be considered:

1. THAT prior to a certificate of consent being issued all financial requirements are met to the satisfaction of the Town of Minto;
2. THAT safe driveway entrance access to the severed parcel to the satisfaction of the Town of Minto.

Sincerely,

Peg Schieck, CMO
Clerk's Assistant

5941 Highway #89
Harriston, Ontario
N0G 1Z0

tel: 519-338-2511
fax: 519-338-2005

www.town.minto.on.ca

RECEIVED
MAY 1 1 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

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	B30/15
Location	Part Lot 16, Concession 17 TOWN OF MINTO
Applicant/Owner	Albert Gibson

PLANNING OPINION: This application would sever a vacant 25.1 ha (62 ac) agricultural parcel in the Secondary agricultural area. A 10.1 ha (25 ac) parcel with an existing dwelling and metal clad drive shed would be retained.

Both the severed and retained would result in small agriculture parcels and there has been no evidence given to illustrate that a viable agricultural pursuits is possible on either parcel. The application states that the proposed uses for the severed and retained lands are for cash cropping operations. We would note that the severed parcel has approximately 28 ac of tillable acreage and the retained parcel has approximately 14 ac of tillable acreage split by natural features.

As an alternative to the current proposal, planning staff suggest severing a smaller (1 to 2 acre) rural residential lot. This would be preferred from a policy perspective and staff would be supportive of this approach provided that a suitable lot configuration could be established that would meet Minimum Distance Separation (MDS 1) requirements from area barns.

If approved we would ask that the following be made conditions of approval:

a) That any concerns of the Conservation Authority can be addressed,
b) That safe driveway access can be provided to the satisfaction of the local municipality,

PLACES TO GROW: No issues.

PROVINCIAL POLICY STATEMENT (PPS): Regarding Minimum Distance Separation 1 (MDS1) for the barns surrounding the subject property, Implementation Guideline 42 states that, "Measurements are taken as the shortest distance between the lot line of the lot being created and the livestock occupied portion of the livestock facility. Where larger lots may be permitted a suitable location must be identified for a 1 ha building envelope outside the MDS 1 setback. We are satisfied that a 1 ha building envelope can be achieved outside the MDS1 arc for both the severed and retained parcels.

WELLINGTON COUNTY OFFICIAL PLAN: The subject property is designated SECONDARY AGRICULTURAL, CORE GREENLANDS and GREENLANDS. The features protected by the Greenland designations include hazardlands and significant woodlands and wetlands.

According to section 10.4.2 in Secondary Agricultural areas, new lots for agricultural operations shall be sufficiently large to allow the type or size of agricultural operations common in the area. Smaller lots may only be considered where there is clear evidence that the farmer intends to conduct an agricultural pursuit which can be successful on smaller property.

The applicant has provided no supplemental information for the Committees review in this regard, but has indicated that both the severed and retained lands will be used for cash cropping. We would note that the severed parcel has approximately 28 ac of tillable acreage and the retained parcel has approximately 14 ac of tillable acreage split in half by natural features.Regarding the size of lots in the area, there are several 100 ac+ lots to the North and surrounding, A 28 ac and 70 ac parcel immediately to the West, A 78 ac parcel to the East and several smaller rural residential parcels to the South. Staff has concerns regarding the viability of cash cropping operations on these parcels particularly on the retained lands.

Staff would note that the property would be eligible for a residential severance. It would be staffs preference to see a smaller 1-2 ac residential parcel created, to avoid the creation of two small farm parcels.

The matters under section 10.1.3 were also considered including h) "that natural heritage features are not affected negatively"...j) "that natural resources such as agricultural lands and mineral aggregates would not be affected adversely".

LOCAL ZONING BY-LAW: the subject property is currently zoned Agricultural (A) and Natural Environment (NE). According to section 8.2.1 b) both the frontage and lot area requirements can be met.

SITE VISIT INFORMATION: The subject property was visited 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

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 (debt@wellington.ca)

May 25, 2015

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

ATTENTION: Deborah Turchet, Secretary-Treasurer

Dear Mrs. Turchet,

RE: Application for Consent B30/15
Part Lot 16, Concession 17
Geographic Township of Minto
Town of Minto (Gibson)

The Saugeen Valley Conservation Authority (SVCA) has reviewed this proposal in accordance with the SVCA's mandate and policies and the Memorandum of Agreement between the Authority and the County of Wellington with respect to plan review. A recent site inspection has not been conducted by Authority staff. The proposed severance will create a new 62 acre agricultural lot, and retain a 25 acre residential and agricultural lot. This application for consent is acceptable to the SVCA provided the relevant natural heritage policies described below are appropriately addressed. We offer the following comments.

Natural Heritage

The Significant Natural Heritage features affecting the subject property are the Provincially Significant Wetlands (PSWs), the Significant Woodlands, and the potential habitat of Threatened or Endangered Species. A portion of the Clifford-Harriston Complex PSW is located on the parcel to be severed, and a portion of the South Saugeen River Complex PSW is located on the parcel to be retained. The woodlands on the subject property form part of a larger area of woodlands greater than 10 hectares in size and are considered to be Significant.

It has come to the attention of the SVCA that 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 and Endangered Species polices will have been accommodated by the proposed. Please contact the Ministry of Natural Resources and Forestry (MNRF) to address this policy.

County of Wellington Official Plan

As shown on Schedule A5 of the County of Wellington Official Plan, portions of the subject property are designated as Core Greenlands, and Greenlands. Section 5.4, *Core Greenlands*, states in part that development is not permitted in Provincially Significant Wetlands (PSWs) or the habitat of Threatened or Endangered Species. Section 5.5, *Greenlands*, states in part that woodlands greater in size than 10 hectares are considered to be significant by the County, and that these woodlands are to be protected from development or site alterations that may negatively impact the woodlands or their ecological function.

SVCA Regulation

Please be advised that portions of the property are subject to the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended). This Regulation is in accordance with Section 28 of the Conservation Authorities Act, R.S.O, 1990, Chap. C. 27, as amended, and requires that a person obtain the written permission of the SVCA prior to any "development" in a Regulated Area or alteration to a watercourse or wetland.

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, or the PSW boundary plus a 120 metre offset distance, whichever is greater, should be used as an approximate screening area within which the Regulation could apply. However, please note that all wetland areas, watercourses and the associated floodplains are regulated by the SVCA regardless of the NE Zone boundary locations.

"Development" and Alteration

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

a) *the construction, reconstruction, erection or placing of 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 a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

Permission for Development or Alteration

If development or alteration including construction, reconstruction, conversion, grading, filling or excavation is proposed in or near the Regulated Area, the SVCA should be contacted as permission may be required.

Town of Minto Zoning By-Law No. 01-86, as amended

In the opinion of the SVCA, portions of the subject property are zoned Natural Environmental (NE) in the Town of Minto Zoning By-law No. 01-86. 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 natural heritage policies applicable to this application for consent need to be addressed. This application for consent is acceptable to the SVCA provided the natural heritage policies mentioned above are appropriately addressed.

We trust this information is helpful. Should questions arise, please do not hesitate to contact this office.

Sincerely,

J. Prenger

Jennifer Prenger
Environmental Planning Technician
Saugeen Conservation

JP/

cc: Albert Gibson, Owner; 6230 16th Line, RR#3 Clifford, ON, N0G 1M0
Steve McCabe, Director, SVCA (via email)