# REPORT SUMMARY

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

**Date of Consideration:** **May 14, 2015** **TIME: 9:05 a.m.**

**File Number:** **B147/14**

**Applicant:** **Kurtis & Brianna Dykstra**

**Subject Lands:** TOWN OF MINTO – Part Lots 27 & 28, Concession 17

**Surplus Farm Dwelling Application**

**Proposal is a request for consent to convey** fee simple for a proposed severance 1.21 hectares (2.99 acres) with 57.1m frontage in the TOWN OF MINTO – Part Lots 27 & 28, Concession 17, existing and proposed rural residential use with existing house, shed, barn & silo; retained lands are 48.15 hectares (118.98 acres).

**ISSUES:** Committee to be satisfied that the concerns raised are adequately addressed

## SUMMARY of FILED REPORTS and COMMENTS:

**Town of Minto –** Council in support of application – conditions to apply

**County Planning** - notice cards posted; severed large at 3 acres – typical 2 acres; applicant would like to keep barn for housing of 5 horses; proposed could be reduced to acres with exclusion of barn; Farm Information Form which demonstrates that the farm land will be consolidated with larger farming operation owned by applicants was provided; if accessory structure kept – zoning relief will be required; conditions to apply ***Updated comments*** – updated sketch to show location of well and area for proposed concrete manure storage pad – allow for proper storage and drainage of manure away from well; agent indicated current configuration is required to provide necessary setbacks for manure storage from well and adequate setbacks for septic system and field to westerly property limit; conditions to be addressed

**Conservation Authority (Saugeen Valley) –** an EIS is not warranted – no new development is proposed in association with this application; no objections

**County Engineering –** no objections; no entrance condition required

**Other – Cuesta Planning Consultants Inc. – updated information (attached)**

## *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 B147/14.
**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 zoning compliance and classification from the Local Municipality in a manner deemed acceptable by the Local Municipality regarding accessory structure on severed; and that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance 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** at the Owners expense, a new Drainage Assessment Schedule (Drain 30) be completed to the satisfaction of the Town of Minto; and further that the Town of Minto file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition .
**8) THAT** the Owner receive zoning compliance and classification from the Local Municipality and the County of Wellington Planning Department to prohibit a new residential dwelling on the retained parcel in a manner deemed acceptable; and that the Local Municipality and the County of Wellington Planning Department file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

*****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**

April 30, 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 B147/14**

**APPLICANT**

Kurtis & Brianna Dykstra
9759 Ayton Road
RR#3
Clifford ON N0G 1M0

**LOCATION OF SUBJECT LANDS:**

TOWN OF MINTO
Part Lots 27 & 28
Concession 17

**Surplus Farm Dwelling Application**

Proposed severance is 1.21 hectares with 57.1m frontage, existing and proposed rural residential use with existing house, shed, barn & silo.

Retained parcel is 48.15 hectares with 361.2m frontage, existing and proposed agricultural use.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, May 14, 2015**

**AT 9:05 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**

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TO: **Agent – Cuesta Planning Consultants Inc.**

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

# MINUTES

## ON APPLICATION B147/14

**APPLICANT**

Kurtis & Brianna Dykstra
9759 Ayton Road
RR#3
Clifford ON N0G 1M0

**LOCATION OF SUBJECT LANDS:**

TOWN OF MINTO
Part Lots 27 & 28
Concession 17

**Surplus Farm Dwelling Application**

Proposed severance is 1.21 hectares with 57.1m frontage, existing and proposed rural residential use with existing house, shed, barn & silo.

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**COMMITTEE MEMBERS PRESENT:** **George Bridge, Warden; Andrew Lennox - Chairman**
**Councilors - Shawn Watters, Allan Alls**

**ABSENT:** **Don McKay**

**DATE:** **March 12, 2015**

**Appearing Before the Committee:** Nolan Moss – agent; Jameson Pickard – P&D Staff

**Public Hearing Notes:** Land Division Committee considered aerial views and pictures of the site and written reports; J. Pickard – Surplus Farm Dwelling policy - consent proposed – large at 3 acres – need maximize agricultural land as much as possible – reason for size is to keep barn for horses; N. Moss – barn – if excluded MDS1 conflict – by leaving barn out causes conflict; livestock in barn – no tillable land within proposed property; part of rezoning is limit livestock; allow hobby barn; expense of building new barn; well access is within barn; servicing; reasonable to include barn with severed; A. Alls – lots of room to build on retained; Warden Bridge – no buildings on retained; S. Watters – is there any ability to move in lot? N. Moss – following fence line – don't want to get close to septic; Warden Bridge – trees follow fence; S. Watters- to keep smaller go in at front; sever small and retain large as can be; A. Lennox – environmental issues – manure storage; barn; would not build anything new in area; Warden Bridge – would not build; A. Lennox – not to create small farm operations; the well in barn – potential for water issues is huge; where is manure storage to be? Warden Bridge – horses – municipal stand point – people are going to rip down buildings; A. Lennox – If create farm operation from scratch you would never build like this; Warden Bridge- livestock J. Pickard – tied to zoning – number of animals – nutrient management have to keep records for a year; A. Lennox – this does not trigger a nutrient management study; concern is manure storage and run-off; are we creating a small operation? S. Watters – could be a condition; J. Pickard – not us to clear;

Moved by Allan Alls Seconded by Warden Bridge

THAT application B147/14 be deferred to allow agent time to answer to the Land Division Committees concerns regarding the size of proposed lot; manure storage location; well and drainage concern and location of septic.

Carried

**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** | B147/14 |
| **Location** | Part Lot 27 & 28, Concession 17<br>TOWN OF MINTO |
| **Applicant/Owner** | Kurtis & Brianna Dykstra |

**Supplemental Comments:** This application would sever a 1.21 ha (2.99 ac) parcel with existing dwelling, barn, shed and silo in the Prime Agricultural area. A 48.2 ha (118.98 ac) vacant agricultural parcel would be retained. This application is being submitted under the Surplus farm dwelling policies.

This application was previously deferred by the Land Division Committee so the applicant could address issues raised at the time of the meeting relating to the size of the parcel, manure storage on the property, well and drainage concerns and location of the septic.

The severance sketch has been update to show the location of the well and an area for a proposed concrete manure storage pad which would allow for the proper storage and drainage of manure away from the well. The applicant's agent has indicated that the current configuration of the lot is required to provide the necessary setbacks for the manure storage from the well, as well as to provide adequate setbacks for the septic system and field to the westerly property limit. The Committee should be satisfied that the concerns raised at the time of the meeting are adequately addressed.

If approved, we would ask that the following matters be addressed as a condition of approval:

a) That the retained lands are rezoned to restrict residential development to the satisfaction of the County of Wellington Planning and Development Department; and,
b) That zoning compliance be achieved for the severed parcel (Accessory Buildings) to the satisfaction of the Township; and,
c) That safe driveway access can be provided to the retained parcel to the satisfaction of the County of Wellington Engineering Services Department.

Jameson Pickard

Jameson Pickard, Junior Planner
April 22st, 2015

RECEIVED
APR 22 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

## Jameson Pickard

**From:** Cuesta Planning Consultants Inc. <cuesta@cuestaplanning.com>
**Sent:** Monday, April 06, 2015 9:48 AM
**To:** Jameson Pickard; Deborah Turchet
**Cc:** 'Kurt & Brianna Dykstra'; 'Barrie, Andrew (OMAFRA)'
**Subject:** Kurtis Dykstra - Surplus Farm Dwelling Consent - Further Information
**Attachments:** Manure Removal Aggrement.pdf; Cuesta Planning April 2015.pdf; IMG_20150402_120108.jpg; IMG_20150402_120117.jpg

Hello Deborah & Jameson,

In corresponding with the landowner and Andrew Barrie (OMAFRA) I believe I have resolved the issues raised as follows:

1) Manure Storage, Well & Drainage – This will be addressed by a cement pad (15'x15' with one wall) that will be located in the northwestern portion of the property to be severed. Since the well is drilled it is required that this pad be 15 metres away, as well as conform to the 50 metre flow path requirement. As such, these conditions can be met as the current flow path is primarily to the north, which will be further graded to ensure that runoff goes into the field. As currently proposed the severed parcel should be able to accommodate this design. In discussing this with OMAFRA it would appear that this will meet their requirements with regard to manure storage and well and drainage concerns. Although **not** a legal document and is to be used for information purposes, Andrew Barrie of OMAFRA has provided calculations that indicate that the cement pad as proposed can support up to five horses.
2) Location of Septic – Located near the southwest corner of the dwelling it would appear that the septic bed runs to the west, and as such keeping the proposed property line along the established fence line should provide enough space to adequately contain the septic system per the building code. This leads to the lot size issue.
3) Lot Size – While the western property line can be kept as is to ensure the septic will be accommodated, the pond will be removed from the proposal, which will remove approximately 1800-2000 square metres (.45-.49 acres) of coverage from the land to be severed.
4) Well Photos – Attached are photos of the well location. Furthermore, to update the sketch, the well itself is actually on the west side of the barn and not within it as previously thought. In the photo, the well is still covered by snow and is marked by the wooden pole.

Please let me know of any comments or concerns you may have in regard to the foregoing. If the above is satisfactory I would appreciate if this application could be put on the agenda for consideration at next committee meeting.

Thank you,
Nolan Moss

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Owen Sound, ON N4K 4K5
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cuesta@cuestaplanning.com

**Please visit our new and improved website: www.cuestaplanning.com**

Ontario

# Storage System Summary

***Cuesta Planning***
September 2014 - August 2015
Horse Farm (max 5 medium frame)
Non-regulated farm - for information only
Total Nutrient Units: 5 NU
* Material amounts are for the duration of the plan (1 year)

| Source Material | | Material Production (1 year) |
|---|---|---|
| Livestock 1 | Horses, Medium Frame (including unweaned offspring), Box Stalls<br>5 (max) @ 454 kg (5 NU)<br>100% utilization<br>Estimated Barn Area: 116 m² | Solid: 73.4 m³, 46% DM (Open Pad) * |

| Storages | | Dimensions |
|---|---|---|
| Open Pad<br>From:<br>Livestock 1 (Solid) | Solid, Pad (no walls), Uncovered (New/Expanding)<br>Storage Capacity: 12 m³, 61.2 days<br>Material: 12 m³<br>Rainfall: 0 m³<br>Runoff Management: Permanently Vegetated Area / Flow Path | Depth (z): 1 m<br>Length (x): 4.5 m<br>Width (y): 4.5 m<br>Slope (b:a): 1:1 |

| Utilization | | Material Production (1 year) |
|---|---|---|
| Open Pad<br>From:<br>Open Pad (Solid) | Outgoing Transfers:100.1% | Solid, 46% DM<br>73.4 m³, 45.9 tonne *<br>73.4 m³/year, 45.9 tonne/year (avg) |

B147/14.
Dykstra.