# 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:** **November 13, 2014**

**File Number:** **B103/14**

**Applicant:** **Dwight McKinlay & Deborah Farrelly**

**Subject Lands:** TOWNSHIP OF WELLINGTON NORTH (West Garafraxa) – Pt Lot 28, Concession 4

**Proposal is a request for consent to convey** fee simple for a proposed irregular shaped lot line adjustment 12.13 hectares (30 acres) with no frontage in the TOWNSHIP OF WELLINGTON NORTH (West Garafraxa) – Pt Lot 28, Concession 4, agricultural land to be added to abutting agricultural parcel – Debra Schill; retained lands are 7.34 hectares (18.14 acres).

## ISSUES: none

## SUMMARY of FILED REPORTS and COMMENTS:

**Township of Wellington North –** in support – conforms to zoning; conditions to be addressed

**County Planning** - notice cards were posted at time of site visit; application is consistent with Provincial Policy and general conforms to Official Plan. lot line adjustment is to add the landlocked agricultural lands to adjacent land owner; conditions to merge; zoning required to severed to Agricultural site specific (A-133) zone to match lands added to; further zone amendment required for retained to remove site specific (A-69) zoning.

**Conservation Authority (GRCA) –** no objections

**County Engineering –** no objections; entrance condition not required.

## ***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 B103/14.
**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 for 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.
**7) 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.
**8) THAT** the Owner receive zoning compliance and classification from the Local Municipality in a manner deemed acceptable by the Local Municipality on severed and retained lands; and that the Local Municipality 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**

October 30, 2014

**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 B103/14**

**APPLICANT**

Dwight McKinlay & Deborah Farrelly
7282 Wellington Rd 16
Belwood ON N0B 1J0

**LOCATION OF SUBJECT LANDS:**

WELLINGTON NORTH (West Garafraxa)
Part Lot 28
Concession 4

Proposed irregular shaped lot line adjustment is 12.13 hectares with no frontage (Parcel B on sketch), agricultural land to be added to abutting agricultural parcel – Debra Schill (Parcel C on sketch)

Retained parcel is 7.34 hectares with 311.83m frontage (Parcel A on sketch) existing and proposed rural residential use with existing house and shop.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, November 13, 2014**

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**

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TO: **Applicant – Larry & Debra Schill** **Agent – Woods, Clemens, Fletcher & Cronin**

RECEIVED
OCT 21 2014
SECRETARY-TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

**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: B103/14**

**APPLICANT**

Dwight McKinlay & Deborah Farrelly
7282 Wellington Rd 16
Belwood ON NOB 1JO

**LOCATION OF SUBJECT LANDS**

WELLINGTON NORTH (West Garafraxa)
Part Lot 28
Concession 4

Proposed irregular shaped lot line adjustment is12.13 hectares with no frontage (Parcel B on sketch), agricultural land to be added to abutting agricultural parcel – Debra Schill (Parcel C on sketch).

Retained parcel is 7.34 hectares with 311.83m frontage (Parcel A on sketch) existing and proposed rural residential use with existing house and shop.

***PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER: 23 49 000 018 11450 0000***

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

If the answer is no, please provide new information: _____

Do you consider the 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)** Section 8 of Bylaw 66-01

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

**(Please Specify)** Section 8 of 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 the Municipal Water YES ( ) NO ( )

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

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

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

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 <u>or</u> Municipal Drains on the subject lands?

Continued to Page 2

## MUNICIPALITY COMMENTING FORM

## FILE NO: B 103/14

**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 ( )**

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?

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 property and orderly development of the subject lands.

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

SIGNATURE: Lacey Brown

TITLE: Deputy Clerk

ADDRESS: 7490 Sideroad 7 W., Kenilworth, ON NOG 2EO

DATE: October 21, 2010

**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
OCT 22 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

| | |
|---|---|
| **Application** | B103/14 |
| **Location** | Part Lot 28, Concession 4<br>TOWNSHIP OF WELLINGTON NORTH |
| **Applicant/Owner** | Dwight Mckinlay & Deborah Farrelly |

**PLANNING OPINION:** This application would sever a vacant 12.13 ha (30 ac) agricultural parcel (parcel B) and merge it with an adjacent 58 ha (143 ac) agricultural parcel (Parcel C). The resulting lot would be a 70 ha (173 ac) vacant agricultural parcel. A retained 7.34 ha (18.1 ac) irregular shaped parcel with existing dwelling and storage shed. The reason for this lot line adjustment is to add the landlocked agricultural lands (Parcel B) currently farmed by the adjacent land owner to their larger farm parcel (Parcel C) to allow for more viable farming.

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 any concerns of the Conservation Authority can be addressed; and,
b) That the severed and retained lands be rezoned to the satisfaction the local municipality; and,
c) That the purchaser take title to the severed lands in the same manner as they hold their abutting land; and,
d) 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):** Lot line adjustments in prime agricultural areas may be permitted for legal or technical reasons. Legal or technical is defined as "severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot".

**WELLINGTON COUNTY OFFICIAL PLAN:** Subject property is designated PRIME AGRICULTURAL and CORE GREENLANDS. The Greenland's designation represents hazazardlands and follows the Municipal Drain which bisects the subject lands.

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.

Section 10.2.2 states that "where the County is concerned that a proposed lot in or adjacent to the Greenlands System could negatively impact a natural feature or function, the County may require an environmental impact study to assess potential impacts and means of mitigation."

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

**LOCAL ZONING BY-LAW:** The subject property is currently zoned Rural Area exception Zone (A-69). The provisions of this zone allow for a minimum lot area of 19.9 ha (49 ac). A zone amendment would be required to rezone the severed parcel to an Agricultural site specific (A-133) zone to match the lands to be added to. A further zone amendment would be required for the retained lands to remove the site specific (A-69) zoning.

The site specific zoning on the retained lands is no longer applicable because the parcel will be small enough to be viewed under the reduced lot regulations of the zoning by-law. This section applies to lots created by severance that are smaller than 10.1 ha (25 ac); the retained parcel is 7.34 ha (18.1 ac).

**SITE VISIT INFORMATION:** The subject property was visited and photographed on October 17th 2014. Notice Cards were posted and the survey sketch appears to meet the application requirements.

Jameson Pickard

Jameson Pickard, Junior Planner
October 21st, 2014

400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6
**Phone:** 519.621.2761 **Toll free:** 866.900.4722 **Fax:** 519.621.4844 **Online:** www.grandriver.ca

RECEIVED
OCT 27 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

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

**DATE:** October 21, 2014 **YOUR FILE:** B103/14
**GRCA FILE:** B103-14 (McKinlay and Farelly)

**RE:** **Application for Consent B103/14**
7282 Wellington Road 16, Township of Wellington North
Dwight McKinlay and Deborah Farrelly

**GRCA COMMENT: ***

The Grand River Conservation Authority (GRCA) has no objection to the proposed lot line adjustment of 12.13 hectares to be added to the adjacent agricultural parcel.

**BACKGROUND:**

1. **Resource Issues:**

   Information currently available at this office indicates that the lands to be severed and merged with Parcel C contain wetlands, the Shaw Drainage Works and the allowances adjacent to these features.

   The lands to be retained also contain wetlands and the allowance adjacent to the wetlands.

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

   Due to the presence of the above-noted features, portions of the subject lands are regulated by the GRCA under Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any future development or other alteration within the regulated area on the subject lands will require prior written approval from GRCA in the form of a permit 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 comments, please feel free to contact me at 519-621-2763 ext. 2236.



Member of Conservation Ontario, representing Ontario's 36 Conservation Authorities ▪ The Grand – A Canadian Heritage River

Yours truly,

Andrew Herreman
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.***

c.c. Township of Wellington North
Dwight McKinlay & Deborah Farrelly – 7282 Wellington Road 16, Belwood, ON N0B 1J0
Larry & Debra Schill – 7850 Wellington Road 8, R.R.#2 Alma, ON N0B 1A0

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Grand River Conservation Authority**
Map created: September 17, 2014
Prepared by: ah

## B103/14

LEGEND

- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- MUNICIPAL BOUNDARY (GRCA)
- CLASSIFIED STREAMS - NEW (NRVIS)
  - COLD WATER
  - COOL WATER
  - UNKNOWN
  - WARM WATER
- DRAINAGE-NETWORK (GRCA)
- PARCELS-ASSESSMENT (MPAC)
- LOTS (NRVIS)
- FLOODPLAIN-SPECIAL POLICY AREA (GRCA)
- FLOODPLAIN (GRCA)
  - ENGINEERED
  - APPROXIMATE
  - ESTIMATED
- WETLAND (GRCA)
- SLOPE VALLEY (GRCA)
  - STEEP
  - OVERSTEEP
- SLOPE EROSION (GRCA)
  - STEEP
  - OVERSTEEP
  - TOE
- WETLAND (NRVIS)
  - PROVINCIALLY SIGNIFICANT
  - LOCALLY SIGNIFICANT
  - UNEVALUATED
- PARKS (GRCA)
- REGULATION LIMIT 2014 (GRCA)
- DRAINAGE-POLY (NRVIS)
- 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://grins.grandriver.ca/docs/SourcesCitations1.htm*

0 160 320 480 640 m.

NAD 1983, UTM Zone 17 Scale 1:14,348

N

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

COUNTY OF WELLINGTON
SEP 12 2014
ENGINEERING SERVICES DEPARTMENT

September 12, 2014

# NOTICE OF AN APPLICATION FOR CONSENT

**Ontario Planning Act, Section 53(4)**

**The County of Wellington Planning and Land Division Committee requests your written comments on this application for consent.**

***APPLICATION SUBMITTED ON: September 5, 2014***

**FILE NO. B103/14**

**APPLICANT**

Dwight McKinlay & Deborah Farrelly
7282 Wellington Rd 16
Belwood ON N0B 1J0

**LOCATION OF SUBJECT LANDS:**

WELLINGTON NORTH (West Garafraxa)
Part Lot 28
Concession 4

Proposed irregular shaped lot line adjustment is 12.13 hectares with no frontage (Parcel B on sketch), agricultural land to be added to abutting agricultural parcel – Debra Schill (Parcel C on sketch)

Retained parcel is 7.34 hectares with 311.83m frontage (Parcel A on sketch) existing and proposed rural residential use with existing house and shop.

RECEIVED
OCT 20 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

**IF YOU WISH TO SUBMIT COMMENTS ON THIS APPLICATION, WE MUST HAVE YOUR WRITTEN COMMENTS BEFORE**

## October 22, 2014

**Please note** that if the Comments are not received by the requested date, the Planning and Land Division Committee may proceed to consider the application, and may assume that you have no objection to this APPLICATION for CONSENT.

**Please also be advised** that if a person or public body that files 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.

If you wish to be **NOTIFIED OF THE DATE AND TIME OF THE CONSIDERATION** of this application - **please make your request in writing** to the Planning and Land Division Committee before the "Comments Return Date" noted above.

If you wish to be **NOTIFIED OF THE DECISION** of the County of Wellington Planning and Land Division Committee in respect of this proposed consent, **you must make a request in writing** to the County of Wellington Planning and Land Division Committee. This will also entitle you to be advised of a possible Ontario Municipal Board Hearing. Even if you are the successful party, you should request a copy of the decision since the County of Wellington Planning and Land Division Committee's decision may be appealed to the Ontario Municipal Board by the applicant or another member of the Public.

**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

COUNTY OF WELLINGTON
ENGINEERING SERVICES
NO OBJECTION
NOTICE OF DECISION REQ'D.
PASQUALE COSTANZO, CET
ENGINEERING TECHNOLOGIST
OCT 17 2014
Date:

**MAILED TO:**

Local Municipality – Wellington North County Planning Conservation Authority - GRCA

County Engineering

Bell Canada County Clerk Roads

Neighbour - as per list verified by local municipality and filed by applicant with this application

*ENTRANCE COND NOT REQ*