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: **May 9, 2013**

File Number: **B113/12**

Applicant: **Herman & Martha Buitenhuis**

Subject Lands: TOWNSHIP OF GUELPH/ERAMOSA – Part Lot 16, Concession 4

Proposal is a request for consent to convey fee simple for a proposed severance ***revised sketch – irregular shaped lot 1.6 hectares (3.95 acres) with 90m frontage*** in the Twp of Guelph/Eramosa - Part Lot 16, Conc. 4, exist & prop. rural residential use, dwelling, barn, 2 drive sheds & a garage; retained 39.4 ha

ISSUES: none

SUMMARY of FILED REPORTS and COMMENTS:

Township of Guelph/Eramosa – council in support ; conditions to apply ***Updated Comments – revised application submitted – decrease size of severed residential parcel to 1.6 ha (4 acres) this reflects existing extent of agricultural use; removal of empty concrete manure in order to avoid encroachment – new conditions;***

County Planning - severed lot is larger than intended by Official Plan Policies; Committee should be satisfied that proposal justifies based on existing site conditions; Jan/13 – Township of Guelph/Eramosa zoning by-law allows for a maximum lot coverage of 5% for accessory buildings on a reduced lot in this case the retention of the barn, drive sheds and garage of the former dairy operation is 6.7% lot coverage – would require zoning relief; Municipal Commenting Form indicates municipality would be prepared to consider an amendment to the zoning by-law to permit the proposal to conform; **Updated Comments** – application revised removing land from two corners of proposed severed 16% reduction in size; application is consistent with Provincial Policy and generally conforms to Official Plan – no concerns

Conservation Authority (GRCA) – no objections

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 for Consent B113/12.

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.

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 applicable road authority in a manner deemed acceptable to that road authority for an entrance to the retained parcel; and further that the applicable authority 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 receive zoning compliance and classification from the Township of Guelph/Eramosa in a manner deemed acceptable by the Local Municipality to address lot coverage and height regulations for the accessory buildings (if required) on the severed lands; and that the Township of Guelph/Eramosa 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.

9) THAT the empty concrete manure pit be removed to the satisfaction of the Township of Guelph/Eramosa and that the Township of Guelph/Eramosa 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 25, 2013

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 B113/12

APPLICANT

Herman & Martha Buitenhuis
5505 Fourth Line
RR#3
Rockwood ON N0B 2K0

LOCATION OF SUBJECT LANDS:

TOWNSHIP OF GUELPH/ERAMOSA
Part Lot 16
Concession 4

Proposal is to sever a lot ***revised sketch – irregular shaped lot 1.6 hectares with 90m frontage***, existing and proposed rural residential use with existing dwelling, barn, 2 drive sheds & a garage.

Retained parcel is 39.4 hectares with 184m frontage, existing and proposed agricultural use.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, May 9, 2013**

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: **Agent – Jeff Buisman**

MHBC
PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

MEMO

KITCHENER
WOODBRIDGE
LONDON
KINGSTON
BARRIE

To:	Janice Sheppard, Deb Turchet (County of Wellington)
From:	Lana Phillips
Date:	April 15, 2013
File:	9902BQ
Subject:	REVISED CONSENT APPLICATION B113/12 – Herman & Martha Buitenhuis 5505 Fourth Line (Part Lot 16, Concession 4)

The subject lands are located at 5505 Fourth Line, legally described as Part of Lot 16, Concession 4 in the Township of Guelph/Eramosa. The application is a severance resulting from a farm consolidation, which proposes a severed residential parcel (1.9 ha) and a retained farm parcel (39.2 ha). The application was deferred by the County Land Division Committee.

A revised application has been submitted which decreases the size of the severed residential parcel to 1.6ha (change of 0.3 ha/0.7ac). The revised boundary is irregular and appears to reflect the existing extent of agricultural (cropping) use. The revised boundary necessitates removal of the 'empty concrete manure' (as noted on the plan) in order to avoid an encroachment.

Township Council received the comments and endorsed the recommendation (pasted below) on the original application on October 15, 2012. The comments remain valid for the revised application. Item (#4) has been added to the recommendation for County consideration.

RECOMMENDATION

It is recommended that Consent Application B113/12 be approved by the County of Wellington Land Division Committee subject to the following standard conditions:

1) The Owner satisfy all the requirements of the Township of Guelph/Eramosa financial and otherwise, which the municipality deems necessary at the time of issuance of the Consent Certificate for the property and orderly development of the subject lands. Any fees incurred by the Township for the review of this application will be the responsibility of the applicant.

And subject to the following additional conditions:

2) The County of Wellington verifies that the MDS formulae is satisfied; and
3) A zone change application is approved to restrict the retained lands from having a 'detached dwelling unit' and address lot coverage and height regulations for the accessory buildings (if required) on the severed lands.
4) The 'empty concrete manure pit' be removed.

Yours truly,
MHBC

Lana Phillips, MA, MCIP, RPP

RECEIVED
APR 16 2013
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

Application	B113/12 **REVISED**
Location	Part Lot 16, Concession 4 TOWNSHIP OF GUELPH/ERAMOSA
Applicant/Owner	Herman & Martha Buitenhuis

PLANNING OPINION: This application was considered by the Committee November 8, 2012 to allow for further discussion between staff and Committee members regarding implementation of the policy for surplus farm dwelling severances across Wellington County. The applicant's agent, Jeff Buisman, requested that the application be considered February 14, 2013 at which time Mr. Buisman presented a new configuration to the Committee. The application was deferred to allow for the applicant to consider which configuration they intend to proceed with.

This application has been revised by removing land from two corners of the proposed severed parcel representing a 16% reduction in the size of the lot from 1.9 ha (4.7 ac) to 1.6 ha (4 ac). The lot coverage of the accessory buildings increased from 6.7% to 7.8%. The Township of Guelph/Eramosa Zoning By-law allows for a maximum lot coverage of 5% for accessory buildings on a reduced lot. Through their comments, the municipality has not requested that any of the accessory buildings be removed to bring the lot into compliance with the maximum allowable lot coverage.

The field edge has been identified on the Survey Sketch. By removing the empty concrete manure pit, the eastern property line approximates the edge of the field. On the opposite side of the lot, there is a constraint posed by an existing septic bed west of the dwelling which results in some areas of good farmland staying with the residence. We are satisfied that this is a reasonable outcome given the existing conditions.

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 safe driveway access can be provided to the retained lands to the satisfaction of the local municipality;
b) That the retained lands are rezoned to prohibit residential use to the satisfaction of the local municipality and the County of Wellington Planning and Development Department;
c) That the severed parcel is rezoned to address compliance for the accessory building height and lot coverage to the satisfaction of the local municipality;
d) That the concrete manure pit is removed to the satisfaction of the Township's Chief Building Official.

Sarah Wilhelm, MCIP, RPP, Senior Planner
April 16, 2013

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APR 16 2013
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE