REPORT SUMMARY

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

Date of Consideration: **May 9, 2013** **TIME: 9:50 a.m.**

File Number: **B27/13**

Applicant: **Richard Harris & Sonja Noone**

Subject Lands: TOWN OF MINTO – Part Lot 6, Concession 13

Proposal is a request for consent to convey fee simple for a proposed severance 1.19 acres with 208' and 250' frontage in the TOWN OF MINTO – Part Lot 6, Concession 13, existing vacant land for proposed rural residential use; retained lands are 2.72 acres.

ISSUES: Secondary Agricultural designation – not owned 5 years; neighbour concerns

SUMMARY of FILED REPORTS and COMMENTS:

Town of Minto – Council in support ; conditions to apply

County Planning - notice cards were posted at time of site visit; application incorrect – Question #27 states Residential whereas the Secondary Agricultural designation applies; application does not meet the County Official Plan policies for lot creation in a Secondary Agricultural Area – ownership requirement of 5 years minimum has not been met – property has only been owned 6 months approx ; require Farm Data Sheets submitted ; conditions

Conservation Authority (Saugeen) – no objections

Others (e.g. neighbours) – Wm. & Marilyn Lowry – applicants have not owned property for 5 years; proposed property line within 395' limit of our well; location on dangerous blind corner;
Michael Hartshorn (michael@bigislandquarries.com) – applicant has owned property less than one year – does not comply with O.P.; **request notification of consideration and decision**
Christine Glen Wasylyk (9582 O'Dwyer's Drive R. R. #4 Mt. Forest ON N0G 2L0) – 5 year ownership rule? - **request notification of consideration and decision**
Paul & Faye Pletsch – 9571 o"Dwyer's Rd. – R. R. #4 Mt.Forest, ON N0G 2L0) – 5 year ownership?; Provincially Significant Area? Previous owners enrolled in Ontario Conservation Land Tax Incentive Program; parcel almost completely covered with trees – privacy barrier; new home in middle of 4 residential lots will create sub-division feel; **request notification of consideration and decision**

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 B27/13.
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 severed 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 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.
9) THAT the Owner submit a Tree Saving and Compensation Plan prepared by a qualified professional to the satisfaction of the Wellington County Planning and Development Department; and further that the Wellington County Planning and Development Department file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

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 B27/13

APPLICANT

Richard Harris & Sonja Noone
9575 O'Dwyer's Road
RR#4
Mount Forest ON N0G 2L0

LOCATION OF SUBJECT LANDS:

TOWN OF MINTO
Part Lot 6
Concession 13

Proposal is to sever a lot 1.19 acres with 208' and 250' frontage, existing vacant land for proposed rural residential use.

Retained parcel is 2.72 acres with 325.66' frontage, existing and proposed rural residential use with existing house.

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

AT 9:50 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: **Agent – Robert Harris;**
Others: Michael Hartshorn (michael@bigislandquarries.com)
Christine & Glen Wasylyk (9582 O'Dwyer's Drive R. R. #4 Mt. Forest ON N0G 2L0)
Paul & Faye Pletsch – 9571 O'Dwyer's Rd. – R. R. #4 Mt.Forest, ON N0G 2L0)

April 17, 2013

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

Re: Severance Application B27/13

Dear Deborah:

The Council of the Town of Minto at their regular meeting held on April 16, 2013 approved the following motion;

THAT the Council of the Corporation of the Town of Minto supports the Severance Application B27/13 for property located at Part Lot 6, Concession 13, Town of Minto with the following conditions:

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 access for the severed parcel can be provided to the satisfaction of the Town;*
3. *THAT prior to the issuance of a certificate of consent, the applicant pay to the Town of Minto $500 cash in lieu of parkland applicable to severed lot to the satisfaction of the Town;*
4. *THAT a tree saving and compensation plan prepared by a qualified professional is provided to the satisfaction of the County Planning & Development Department and;*
5. *Farm Data Sheets are provided to demonstrate compliance with Minimum Distance Separation 1 (MDS1) requirements to the satisfaction of the County Planning and Development Department.*

Should you require additional information, please contact Bill White C.A.O. Clerk at 519-338-2511. Ext. 222.

Sincerely

Peg Schieck
Clerk's Assistant

RECEIVED
APR 18 2013
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

5941 Highway #89
Harriston, Ontario
N0G 1Z0

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

www.town.minto.on.ca

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
APR 08 2013
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Application	B27/13
Location	Part Lot 6, Concession 13 TOWN OF MINTO
Applicant/Owner	Richard Harris & Sonja Noone

PLANNING OPINION: This application would sever a 0.5 ha (1.2 ac) vacant rural residential lot in a Secondary Agricultural area. A 1.1 ha (2.7 ac) parcel with an existing dwelling would be retained.

This application does not meet the County Official Plan policies for residential lot creation in a Secondary Agricultural Area. The five year minimum ownership requirement has not been met as the property has only been owned for approximately six months.

If approved, we would recommend that the following conditions be applied:

a) That safe driveway access can be provided to the satisfaction of the local municipality;
b) That a tree saving and compensation plan prepared by a qualified professional can be provided to the satisfaction of the County Planning and Development Department; and
c) That Farm Data Sheets are provided demonstrating compliance with Minimum Distance Separation 1 (MDS1) requirements to the satisfaction of the County Planning and Development Department.

PROVINCIAL POLICY STATEMENT (PPS): Regarding Minimum Distance Separation (MDS1), the survey sketch identifies a vacant horse barn to the west and an unused bank barn to the south. According to Guideline 19 "MDS calculations shall be based on the maximum livestock housing capacity for all livestock facilities on a lot, even if the building is not currently used but is structurally sound and reasonably capable of housing livestock". We require Farm Data Sheets to be submitted for our office to determine if MDS1 requirements from these facilities can be met.

WELLINGTON COUNTY OFFICIAL PLAN: The subject lands are designated SECONDARY AGRICULTURAL. According to Section 10.4.4, one new residential lot may be allowed from a parcel of land within the Secondary Agricultural designation, which existed on the date of provincial approval of the County Plan, subject to the following criteria:

a) Individual services can be accommodated;
b) The lot is not normally larger than 0.8 hectares (2 acres) unless existing natural features or development patterns make a larger lot more practical;
c) The lot has access to an open and maintained public road;
d) The residential use will not hinder or preclude potential agricultural or mineral aggregate operations;
e) The residential use is compatible;
f) The use is well removed from any settlement boundary;
g) The applicant has owned the property for at least five years.

This application does not meet the five year ownership criteria under item g) as the owner acquired the subject property in October of 2012.

The matters under Section 10.1.3 were also considered including b) "that all lots can be adequately serviced...", d) "that all lots will have safe driveway access to an all-season maintained public road", g) "that tree loss related to anticipated development be kept to a minimum and wherever reasonable, be compensated for by new planting". With respect to item g), in order to accommodate development on the new lot a number of trees would have to be removed. A tree saving and compensation plan would provide a mechanism for staff to ensure that tree loss is minimized.

LOCAL ZONING BY-LAW: The subject property is zoned Agricultural (A). Both the severed and retained portions appear to meet the minimum lot area and frontage requirements.

SITE VISIT INFORMATION: The subject property was visited and photographed on March 20th 2013. Notice Cards were posted. The survey sketch does not indicate the wooded areas on the property. Item 27 of the application form incorrectly identifies the property as being within a Residential Official Plan designation, whereas the Secondary Agricultural designation applies.

Sarah Wilhelm, MCIP, RPP, Senior Planner
April 8, 2013

SAUGEEN CONSERVATION

1078 Bruce Rd. 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

April 16, 2013

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

RECEIVED
APR 22 2013
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

ATTENTION: Deborah Turchet

Dear Mrs. Turchet:

RE: Application for Consent B27/13
Part Lot 6, Concession 13
Geographic Township of Minto
Town of Minto (Richard Harris)

E-MAILED
April 16/13

The Saugeen Valley Conservation Authority (SVCA) has reviewed the 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 with respect to Plan Review. This application for consent is acceptable to the SVCA. We offer the following comments.

Site Description

There are wetlands, woodlands, and small kettle lakes located to the north and southeast of the subject lands. Portions of the property are wooded. Existing development is located on the subject property, and the property is surrounded by existing development.

Natural Heritage

The wetlands around the property form a part of the Clifford-Harriston Complex which has been evaluated by the Ministry of Natural Resources as a Provincially Significant Wetland (PSW). An Area of Natural and Scientific Interest (ANSI) is located on the subject property being the Minto Kettle Lake ANSI. In addition, the wooded areas on the property form a part of a larger woodlot. Fish habitat is also located in the area associated with the lakes. All of these features are significant natural heritage features.

Wellington County Official Plan

The PSW is designated Core Greenland in the County Official Plan. The ANSI is considered to be Greenlands by the Wellington County Official Plan, therefore the entire property is designated as Greenlands.

Conservation Through Cooperation

A Member of Conservation Ontario

In addition, according to Section 5.5.4, the woodlands located on the property are over 10 hectares in size and will be protected from development or site alterations that would negatively impact the woodlands or their ecological functions.

Section 5.6.3, Development Impacts, of the Official Plan provides direction for new development that is proposed in, and adjacent to, the Greenlands System. Specifically, any new development within 120 metres of a PSW must ensure that there will be no negative impacts on the natural features or their ecological functions.

Though cleared areas for future construction are located on the subject lands these areas are located within the Greenlands and as such an Environmental Impact Study (EIS) would normally be required. However, based on the review of potential building sites, future site alterations will be surrounded by existing development and given the subject woodland appears to be a plantation, with limited connectivity to surrounding woodlands the SVCA recommends that an EIS is not necessary.

Town of Minto Zoning By-Law No. 01-86

In the opinion of the SVCA to the north of the property are areas zoned NE by the Town of Minto. The NE zone includes the PSW, the watercourse, and an appropriate setback from these features, and other hazardous lands.

Generally, no new buildings or structures are permitted in the NE zone. Also, any new development should be setback at least 30 metres from the NE zone to comply with Section 6.20.2 (c) Natural Environment and Municipal Drain Setbacks. The proposed lot will avoid this 30 metre setback.

SVCA Regulation

The subject property is not subject to the Saugeen Valley Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06). This Regulation is in accordance with Section 28 of the Conservation Authorities Act, R.S.O, 1990, Chap. C. 27.

Conclusion

All of the plan review functions listed in the agreement have been assessed with respect to this application, the Authority is of the opinion that the application for consent appears to comply with the relevant policies of the Wellington Official Plan and Provincial Policies referred to in the agreement.

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

Yours Sincerely,

Erik Downing
Environmental Planning Coordinator

ED/
cc: Terry Fisk, SVCA Director, via email
Richard Harris, 9575 O'Dwyer's Road, R.R.#4, Mount Forest, ON N0G 2L0

RECEIVED

MAR 22 2013

SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

March 17, 2013

County of Wellington
Deborah Turchet, Secretary Treasurer
Wellington County Adminsitration Centre
74 Woolwich Street
Guelph Ontario
N1H 3T9

Re: File #B27/13 – Richard Harris & Sonja Noone – proposal application to sever

Dear Ms Turchet:

Please see following reference:

ACOUNTY OFFICIAL PLAN –WELLINGTON

SECTION 10 CREATING NEW LOTS

10.4.4 Residential Lots
One new lot for residential purposes may be allowed from a parcel of land existing on the date of provincial approval of this Plan ***provided that:***

SUB SECTION 4

g) the lands have been owned by the applicant for at least 5 years.

The applicants have NOT owned the property for five years – less than one year

The proposed property line is within the 395 foot limit of our fresh water well

The proposed property is located on a very dangerous blind corner

Regards

William (Bill) Lowry
Marilyn Lowry
9582 O'Dwyers Road
RR#4
Mount Forest Ontario
N0G2L0

Cell: 1.416.931.3356
E mail: william.lowry@rogers.com

Deborah Turchet

From: Sarah Wilhelm
Sent: Tuesday, March 19, 2013 1:09 PM
To: Deborah Turchet
Subject: FW: severance B27-13

Hi Deb,

Please see e-mail below with respect to file B27/13.

Sarah

From: Michael Hartshorn [mailto:michael@bigislandquarries.com]
Sent: Tuesday, March 19, 2013 11:09 AM
To: Sarah Wilhelm
Subject: severance B27-13

Dear Sarah,

Thank you for taking the time to speak with me today.

I am writing in regard to severance B27-13. The proposed severance is on O'Dwyers Rd. in Minto Twp. I am a homeowner on O'Dwyer's Rd.

I have a concern with this severance as it does not comply with the Wellington Official Plan. In particular, the severance applicant is a new owner of the property, less than a year. This does not comply with Wellington Official Plan 10.4.4 (g), which establishes criteria that an applicant must have owned the property for at least 5 years.

Please note my objection. In addition, I would appreciate being notified of the date and time of the public meeting, as well as of the decision.

Thanks and best regards,

Michael Hartshorn

Michael Hartshorn
michael@bigislandquarries.com
647 998-3989

www.bigislandquarries.com

RECEIVED
MAR 19 2013
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Deborah Turchet

From: Christine Wasylyk [cwasy@hotmail.com]
Sent: Tuesday, March 19, 2013 1:05 PM
To: Deborah Turchet
Cc: Glen Wasylyk
Subject: Application for Severence

To County of Wellington Planning and Land Division Committee

RE: Richard Harris & Sonja Noone Application for Consent **File No. B27/13**

We are surprised to learn of this application. Is it not a requirement that owners must own the property for 5 years before a severence can be considered?

We wish to be **notified of the date and time of the consideration.**

We also wish to be notified of the decision.

NB - You may not have our names on record, but we have bought a neighbouring property. On April 9th, 2013 we become owners of 9582 O'Dwyer's Road.

Regards,

Christine Wasylyk and Glen Wasylyk

RECEIVED
MAR 19 2013
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Paul and Faye Pletsch
9571 O'Dwyer's Rd.
RR#4 Mount Forest, Ont
N0G 2L0

April 11, 2013

RECEIVED
APR 17 2013
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Deborah Turchet
Wellington County Administration Centre

Re: File No. B27/13

Deborah:

We have the following objections to the application for the parcel to be severed immediately beside our property:

1. The Wellington County Official Plan part 10.4.4 indicates that the piece of property under consideration must have been owned by the applicant for at least 5 years. The applicant in this case has owned the property since October of 2012, less than 1 year.

2. The parcel of land under consideration has been classified as a Provincially Significant Area of Natural and Scientific Interest by the Ministry of Natural Resources. The previous owners enrolled in the Ontario Conservation Land Tax Incentive Program offered because of the significance of this land. Why is an area of significant natural and scientific interest being considered for residential development?

3. The parcel of land is almost completely covered with trees. It provides a natural privacy barrier for the four houses in the immediate area. Removal of the trees and the construction of a new home will eliminate the privacy that is currently enjoyed by the neighbouring residents. The large private lots are a major benefit to living in this area. Incorporating a new home in the middle of 4 residential lots will create a sub-division feel to the area ultimately reducing the value of the neighbouring properties.

Please inform us as to the date and time of the consideration of the application. Also we would like to be notified of the decision of the application by the County of Wellington Planning and Land Division Committee.

Thank you for your consideration.

Paul Pletsch Faye Pletsch

Paul and Faye Pletsch