REPORT SUMMARY

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

Date of Consideration: **May 9, 2013** **TIME: 9:20 a.m.**

File Number: **B25/13**

Applicant: **Leslie & Sheila Eccles**

Subject Lands: TOWNSHIP OF WELLINGTON NORTH (West Luther) – Part Lot 10, Concession 14

Proposal is a request for consent to convey fee simple for a proposed severance 1.06 hectares with 58m frontage in the TOWNSHIP OF WELLINGTON NORTH (West Luther) – Part Lot 10, Concession 14, existing and proposed rural residential use with existing house, shed & barn; retained lands are 39.7 hectares.

ISSUES: on-site sewage system to be shown on sketch; width of lot be reduced to keep cultivated land

SUMMARY of FILED REPORTS and COMMENTS:

Township of Wellington North – in support of application – on-site sewage system to be shown on sketch; width of lot be reduced to keep cultivated land; conditions to be addressed**;**

County Planning - notice cards were posted at time of site visit; if barn is removed from property the width of lot could be reduced to keep cultivated land with farm; zoning relief would be required for retained accessory buildings 4,040 sq.ft allowable is 1,000 sq.ft; farm information form was provided; cond. to apply

Conservation Authority (Saugeen Valley) – no objections

County Roads Dept. – road widening along Wellington Road 16 – retained parcel

MTO – no comments received

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 B25/13.
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 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.
6) 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.
7) THAT the dilapidated frame barn and oversized frame shed be removed to the satisfaction of the Township of Wellington North; and further that the Township of Wellington North file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
8) THAT the location of the on-site sewage system comply with Ontario Building Code to the satisfaction of the Township of Wellington North; and further that the Township of Wellington North file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
9) THAT the severed lot be brought into compliance with the Property Standards By-law 34-99 to the satisfaction of the Township of Wellington North; and further that the Township of Wellington North file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
10) 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.
11) THAT the Owner receive zoning compliance and classification from the Local Municipality in a manner deemed acceptable by the Local Municipality for the accessory buildings on the severed 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.
12) THAT the owner satisfy the requirements of the Wellington County Roads Dept. concerning road widening conveyances along the frontage of the severed and retained parcel; and that the Wellington County Roads Dept files 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 B25/13

APPLICANT

Leslie & Sheila Eccles
8405 Hwy 89
RR#2
Conn ON N0G 1R0

LOCATION OF SUBJECT LANDS:

WELLINGTON NORTH (West Luther)
Part Lot 10
Concession 14

Surplus Farm Dwelling Application

Proposed severance is 1.06 hectares with 58m frontage, existing and proposed rural residential use with existing house, shed & barn.

Retained parcel is 39.7 hectares with 457m frontage on Hwy 89 and 565m frontage on Cty Rd 16, existing and proposed agricultural use.

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

AT 9:20 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 – Leslie & Sheila Eccles**

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: B25/13

APPLICANT

Leslie & Sheila Eccles
8405 Hwy 89
RR # 2
Conn, ON NOG 1RO

LOCATION OF SUBJECT LANDS

Wellington North (West Luther)
Part Lot 10
Concession 14

Surplus Farm Dwelling Application

Proposed severance is 1.06 hectares with 58m frontage, existing and proposed rural residential use with existing house, shed & barn.

Retained parcel is 39.7 hectares with 457m frontage on Hwy 89 and 565m frontage on Cty Rd 16, existing **and** proposed agricultural use.

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER: 23 49 000 016 14800 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)

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SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

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

(Please Specify) Section 8 and 6.1.4 of Zoning Bylaw-66-01.

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

(Please Specify) Section 8 of Zoning 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 (X)

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

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

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

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 or Municipal Drains on the subject lands?

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MUNICIPALITY COMMENTING FORM

FILE NO: B 25/13

Is the Municipality's Building Official satisfied that there is a sufficient site on the severed parcel for individual well and septic services?

YES (X) 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 receive approval from the applicable road authority.

THAT the Owner satisfy the requirements in reference to parkland dedication.

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.

Frame barn is in a dilapidated condition and must be removed.

The frame shed is oversized and dilapidated and must be removed.

The severed must be brought into compliance with property Standards By-law 34-99.

On-site sewage system must be shown on survey sketch and location must comply to O.B.C.

THAT the retained lands are rezoned to prohibit residential use to the satisfaction of the local municipality and County of Wellington Planning and Development Department; and

THAT zoning relief is obtained for the accessory buildings on the severed lands to the satisfaction of the local municipality and County of Wellington Planning and Development Department.

The width of the lot be reduced to keep the cultivated land with the farm.

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

SIGNATURE: Lacky Brown

TITLE: Deputy Clerk

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

DATE: April 9, 2013

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

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WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Application	B25/13
Location	Part Lot 10, Concession 14 TOWNSHIP OF WELLINGTON NORTH (West Luther)
Applicant/Owner	Leslie & Sheila Eccles

PLANNING OPINION: This application would sever a 1.06 ha (2.6 ac) parcel with a dwelling, shed and barn in a Prime Agricultural area. A vacant 39.7 ha (98 ac) parcel would be retained. This application is being submitted under the surplus farm dwelling policies.

The applicants are proposing to retain accessory buildings totalling 375 sq. m (4,040 sq. ft.) on the residential parcel. This includes a 104 sq. m (1,120 sq. ft.) drive shed and 271 sq. m (2,920 sq.ft.) barn. The maximum allowable ground floor area for accessory buildings on a reduced agricultural parcel is 92.9 sq. m. (1,000 sq. ft.). Zoning relief would be required.

We note that there is some cultivated land included with the severed parcel as a result of keeping the barn with the residential lot. If this barn was removed from the property, the width of the lot could be reduced to keep the cultivated land with the farm.

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

a) That the retained lands are rezoned to prohibit residential use to the satisfaction of the local municipality and County of Wellington Planning and Development Department; and
b) That zoning relief is obtained for the accessory buildings on the severed lands to the satisfaction of the local municipality and County of Wellington Planning and Development Department.

PROVINCIAL POLICY STATEMENT (PPS): The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 2.3.4.1(c). According to this policy, lot creation in prime agricultural areas may be permitted for a residence surplus to a farming operation as a result of farm consolidation, provided that there is a restriction against new residential dwellings on any vacant farmland parcel created by severance. Farm consolidation is defined as the acquisition of additional farm parcels to be operated as one farm operation.

WELLINGTON COUNTY OFFICIAL PLAN: The subject lands are designated PRIME AGRICULTURAL and CORE GREENLANDS. The Greenlands System designation protects a forested area and stream at the rear of the property. According to Section 10.3.4, a severance may be considered for an existing residence that is surplus to a farming operation as a result of farm consolidation, provided that:

"a) the remaining vacant farmland is large enough to function as a significant part of the overall farm unit; and
b) the result of removing the surplus dwelling from the farm does not render the remaining farmlands difficult or inefficient to farm; and
c) the amount of good farmland retained with the surplus house is kept to a minimum size needed for residential purposes, taking into consideration environmental and topographic features; and
d) the surplus residence is habitable and is not expected to be demolished by a future owner; and
e) the Minimum Distance Separation formula will be met; and
f) the vacant parcel of farmland is rezoned to prohibit a residential use.

The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels, where the impact on existing and future farm operations can be kept to a minimum."

With respect to the above criteria, we are satisfied that this application conforms to criteria a), b), d) and e). Item f) can be addressed as a condition of approval. Regarding item c) we note that there is some cultivated land included with the severed parcel as a result of keeping the barn with the residential lot. If this barn was removed from the property, the width of the lot could be reduced to keep the cultivated land with the farm.

In terms of the overall farm operation, we have been provided with a Farm Information Form including a list of other farm holdings of the purchaser (McLean Farms) which demonstrate that this application would constitute a farm consolidation.

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

The matters under Section 10.1.3 were also considered.

LOCAL ZONING BY-LAW: The subject property is zoned Agricultural (A) and Natural Environment (NE). Both lots would meet the applicable minimum lot area and frontage requirements.

According to the application form, the accessory structures which would be contained on the severed lot would account for a total of 375 sq. m (4,040 sq. ft.). This exceeds the allowable lot coverage of 92.9 sq. m (1,000 sq.ft.).

SITE VISIT INFORMATION: The subject property was visited and photographed on March 20th 2013. Notice Cards were posted and the survey sketch appears to meet the application requirements.

Sarah Wilhelm, MCIP, RPP, Senior Planner
March 28, 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

E-MAILED
April 10/13

April 10, 2013

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

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SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

ATTENTION: Deborah Turchet

Dear Mrs. Turchet:

RE: Application for Consent B25/13
Part Lot 10, Concession 14
Geographic Township of West Luther
Town of Wellington North (Leslie Eccles)

The Saugeen Valley Conservation Authority (SVCA) has reviewed this 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.

There are no significant natural heritage features or natural hazards effected by the proposed.

All of the plan review functions listed in the agreement have been assessed with respect to this application for consent, 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 this information is 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
Leslie Eccles, 8405 Hwy 89, R.R.#2 Conn, ON N0G1R0

Conservation Through Cooperation

A Member of Conservation Ontario

COUNTY OF WELLINGTON

OFFICE OF THE COUNTY ENGINEER
ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH ON N1H 3T9
T 519.837.2601
T 1.866.899.0248
F 519.837.8138

GORDON J. OUGH, P. Eng.
COUNTY ENGINEER

April 17, 2013

Deborah Turchet
Secretary Treasurer
Land Division
County of Wellington

RE: **Application for Consent B25/13**
Leslie & Sheila Eccles
Part Lots 10, Concession 14,
Township of Wellington North, County of Wellington

Dear Deborah:

The County of Wellington Roads Department will require a conveyance of 17' along Wellington Road 16 of the lands to be retained for future road widening purposes.

Sincerely,

Pasquale Costanzo
Technical Services Supervisor

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SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE