REPORT SUMMARY

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

Date of Consideration: **September 11, 2014** **TIME: 10:10 a.m.**

File Number: **B56/14**

Applicant: **Nelly & Robert Fellows**

Subject Lands: TOWNSHIP OF GUELPH/ERAMOSA – Part Lot 1, Concession 6

Proposal is a request for consent to convey fee simple for a proposed lot line adjustment 6 hectares (14.8 acres) with no frontage in the TOWNSHIP OF GUELPH/ERAMOSA – Part Lot 1, Concession 6, existing race track and bush to be added to abutting– Charlotte Mudge lot for future development; retained lands are 3.8 (9.4 acres) hectares.

ISSUES: Township Council (August 11, 2014) – resolution put forward and passed; MDS

SUMMARY of FILED REPORTS and COMMENTS:

Township of Guelph/Eramosa - not in support of application – no conceptual plans for development has been submitted. Question how lands will be laid out in comprehensive manner and whether the loss of highway 7 frontage and access will be prejudicial to the ultimate development of the property; ***UPDATED Township Council recommends approval with conditions***

County Planning - notice cards were posted at time of site visit; lot line adjustment to merge with adjacent rural industrial lot; application is consistent with Provincial policy and generally conforms to Official Plan; staff requires farm data sheets for barn on severed lands to determine necessary MDS1 setbacks;
UPDATED COMMENTS – MDS1 cannot be met for the barn on the lands to be severed to the retained parcel – compliance can be achieved through a rezoning to restrict livestock in the structure or by removing the structure from the property – condition to address; Township Council passed a resolution supporting concept plan for the property – see attached.

Conservation Authority (GRCA) – no objections to lot line adjustment

Town of Milton – no concerns

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 B56/14.
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.
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 County of Wellington Planning Department submit to the Secretary-Treasurer of the Planning and Land Division Committee written approval which indicates that the Minimum Distance Separation required under Formula 1 are met.
8) THAT the Owner satisfy all the requirements of the Township of Guelph/Eramosa, financial and otherwise (included but not limited to fees incurred for review of application) which the Township of Guelph/Eramosa 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 Township of Guelph/Eramosa file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
9) THAT the Applicant provide to the satisfaction of the Township of Guelph/Eramosa documentation and illustration that a conceptual plan for the development exists and is appropriate for the location and amount of proposed highway frontage; 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.
10) THAT the landlocked parcels being PIN #s 71168-0685 (LT); 71168-0895 (LT) and 71168-0886 (LT) be given proper access 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

August 28, 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 B56/14

APPLICANT

Nelly & Robert Fellows
8572 Hwy 7
RR#4
Rockwood ON N0B 2K0

LOCATION OF SUBJECT LANDS:

TOWNSHIP OF GUELPH/ERAMOSA
Part Lot 1
Concession 6

Proposed lot line adjustment is 6 hectares with no frontage, existing race track and bush to be added to abutting Charlotte Mudge property for future development.

Retained parcel is 3.8 hectares with 217.1m frontage, existing residential, self-storage and equestrian use with existing dwelling, barn and self-storage units.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, September 11, 2014**

AT 10:10 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 – Jeff Buisman**

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: B56/14

RECEIVED
JUN 03 2014
TOWNSHIP OF GUELPH / ERAMOSA

APPLICANT

Nelly & Robert Fellows
8572 Hwy 7
RR#4
Rockwood ON N0B 2K0

LOCATION OF SUBJECT LANDS

TOWNSHIP OF GUELPH/ERAMOSA
Part Lot 1
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PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER: 23-11-000-004-03100

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

If answer is no, please provide new information: _____

Do you consider this proposal to conform to ~~your~~ the Official Plan? YES(x) 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) _____

Will the Retained Parcel comply with all requirements of the Zoning By-law? YES [ ] NO [x]

(Please Specify) Section 6.2.1 - Will not meet minimum lot area.

If Necessary, would the Municipality be prepared to consider an **Amendment** to the Zoning By-Law to permit the proposal to conform? YES(x) 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 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 Municipal Sewers YES( ) NO(x)

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

RECEIVED
AUG 12 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Is there a **Capital Works Project** underway to service these lots in the near future YES( ) NO(x)

Approximate Time of Servicing Availability: _____

Are there any other servicing arrangements, Municipal easements or Municipal Drains on the subject lands?

Not to the best of our knowledge

Continued to Page 2

MUNICIPALITY COMMENTING FORM

FILE NO: B56/14

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

See attached ~~Planning Report~~ Council Resolution

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?

See attached Council Resolution

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

SIGNATURE _____

TITLE: Clerk/Director of Legislative Services

ADDRESS: 8348 Wellington Rd 124, PO Box 700; Rockwood, ON; N0B 2K0

DATE: August 12, 2014

Attached:

Council Resolution

Guelph/Eramosa Township

8348 Wellington Road 124,
P.O. Box 700
Rockwood ON N0B 2K0
Tel: 519-856-9596
Fax: 519-856-2240
Toll Free: 1-800-267-1465

August 12, 2014

Dan Currie
MHBC Planning Ltd.
200 – 540 Bingemans Centre Drive
Kitchener, Ontario
N2B 3X9

Dear Mr. Currie:

RE: Consent Application B56/14

At the regular meeting of Council held on August 11, 2014 the following resolution was put forward and passed:

> Be it resolved that the Council of the Township of Guelph/Eramosa has received the delegation of Jeff Buisman, Van Harten Surveying Inc., regarding the Mudge & Fellows Industrial Development (Severance B56/14); and
>
> That Council recommends that Consent Application B56/14 be approved on the following conditions:
>
> 1. That the applicant provide to the satisfaction of the Township, documentation and illustration that a conceptual plan for the development exists and is appropriate for the location and amount of proposed highway frontage;
>
> 2. That the severed property be merged on title with the lands legally described as Part of Lot 1, Concession 6, former Township of Eramosa, PIN 71168-0699, Being Part 1, 61R-8661 save and accept RPlan 61M-121;
>
> 3. That the owner satisfy all of the requirements of the Township of Guelph/Eramosa, financial and otherwise, which the Township deems necessary at the time of issuance of the consent certificate for the property and orderly development of the subject lands
>
> 4. That the landlocked parcels be given proper access –
> PIN #'s 71168-0685 (LT)
> 71168-0895 (LT)
> 71168-0886 (LT);
>
> 5. That MDS requirements be resolved to the County's satisfaction.

Jordan Dolson
Acting Deputy Clerk

Tel: 519-856-9596 ext. 125
jdolson@get.on.ca

Please accept this for your information and any necessary action.

Yours truly,

Jordan Dolson
Acting Deputy Clerk

c.c. Kelsey Lang, Planning Administrator
Jeff Buisman, Van Harten Surveying Inc.

Jordan Dolson
Acting Deputy Clerk

Tel: 519-856-9596 ext. 125
jdolson@get.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

Application	B56/14
Location	Part Lot 1, Concession 6 TOWNSHIP OF GUELPH/ERAMOSA
Applicant/Owner	Nelly & Robert Fellows

Supplemental Comments: This application was previously deferred by the Land Division Committee to allow Guelph/Eramosa Council to review a suitable concept plan for the development of the property. It is our understanding that at the August 11, 2014 regular meeting of Council, the applicant's agent gave a delegation illustrating a concept plan for the property. Council subsequently passed a resolution supporting the plan and the application. Please find attached a copy of the concept plan which was presented to Guelph/Eramosa Council.

The County is still in support of the proposed application but would note that based on preliminary calculations it appears that Minimum Distance Separation cannot be met for the barn on the "lands to be severed" to the retained parcel. According to MDS implementation guideline #6 "*MDS 1 is applied to all livestock facilities reasonably expected to be impacted by the proposed development, lot creation, rezoning or redesignation…*" MDS 1 compliance can be achieved through a rezoning to restrict livestock in the structure or by removing the structure from the property.

If this application is approved we would ask that the following be made conditions of approval:

a) That any concerns of the Conservation Authority can be addressed; and,
b) That MDS1 compliance can be achieved to the satisfaction of the County of Wellington; 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.

Jameson Pickard

Jameson Pickard, Junior Planner
August 27th, 2014

SKETCH OF DEVELOPABLE AREA OF PART OF LOT 1, CONCESSION 6

GEOGRAPHIC TOWNSHIP OF ERAMOSA

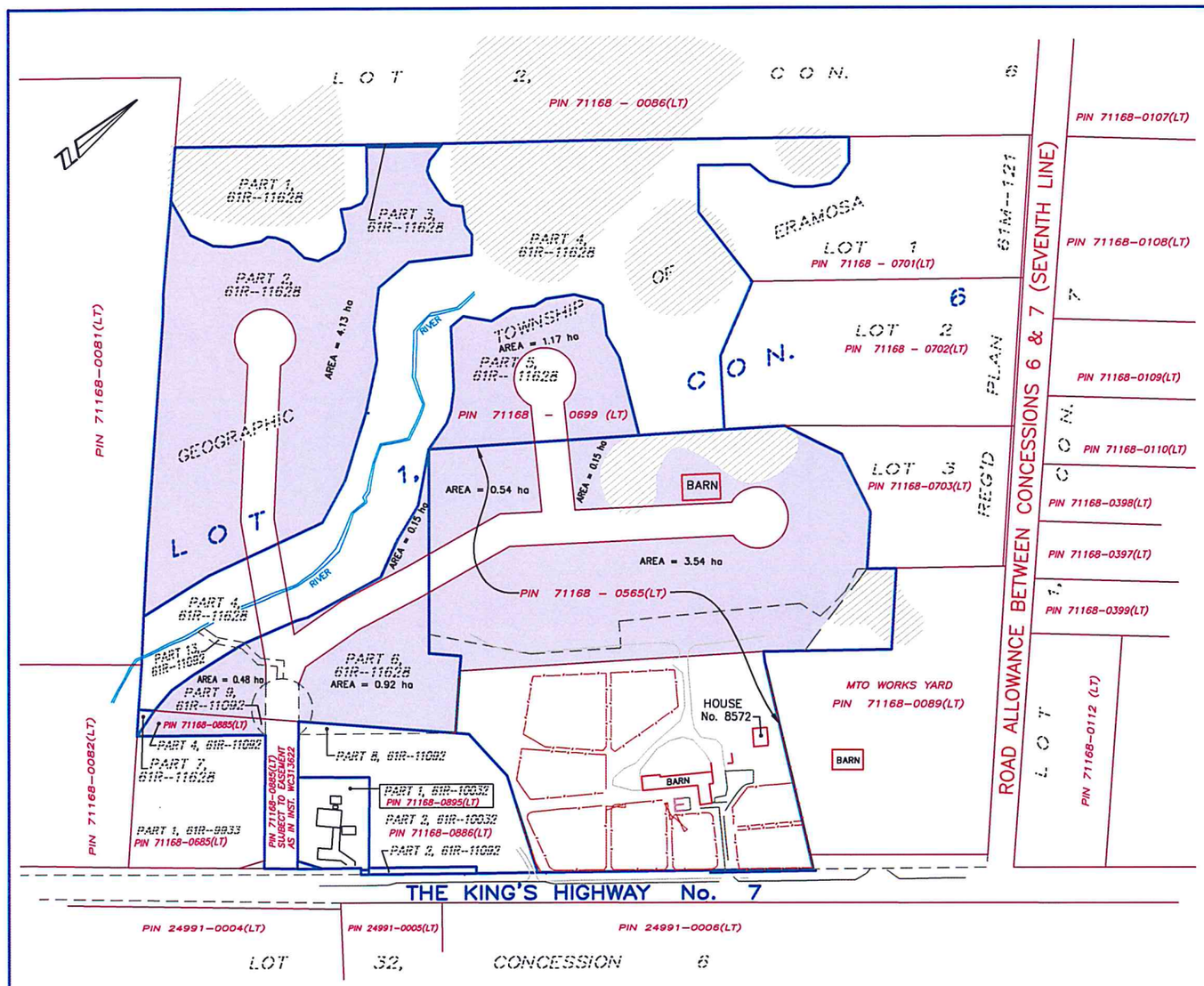
TOWNSHIP OF GUELPH–ERAMOSA

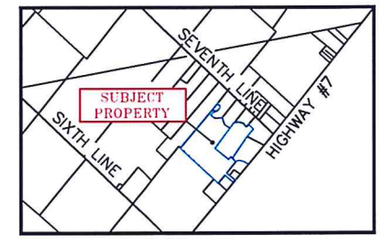
COUNTY OF WELLINGTON

SCALE: 1 – 3000

0 50 100 150 200metres

VAN HARTEN SURVEYING INC.





KEYMAP

LEGEND

- FENCE
- ZONING: HAZARD
- DEVELOPABLE AREA

TOTAL DEVELOPABLE AREA = 11.08 ha

Van Harten SURVEYING INC.
LAND SURVEYORS and ENGINEERS

423 WOOLWICH STREET
GUELPH – ONTARIO
PHONE: (519) 821–2763
FAX: (519) 821–2770
www.vanharten.com

660 RIDDELL ROAD, UNIT 1
ORANGEVILLE – ONTARIO
PHONE: (519) 940–4110
FAX: (519) 940–4113
www.vanharten.com

DRAWN BY: S.A.P. | CHECKED BY: J.E.B. | PROJECT No. 15882–04

Aug 06,2014–8:49am
G:\ERAMOSA\con6\acad\SKETCH PT LOT 1 (MUDGE) UTM.dwg

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

MINUTES

ON APPLICATION B56/14

APPLICANT

Nelly & Robert Fellows
8572 Hwy 7
RR#4
Rockwood ON N0B 2K0

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TOWNSHIP OF GUELPH/ERAMOSA
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COMMITTEE MEMBERS PRESENT: **Chris White, Warden; Lou Maieron - Chairman**
John Green, Bruce Whale, Shawn Watters

DATE: **July 24, 2014**

Appearing Before the Committee: Jeff Buisman – agent; Graham Mudge – purchaser
Jameson Pickard – P&D Staff

Public Hearing Notes: Land Division Committee considered aerial views and pictures of the site and written reports; J. Pickard – Township not in support; to remove severed from retained may impact development of retained; J. Buisman – Mr. Mudge owns long time – rural Industrial in Official Plan; 2005 – got section out as plan of subdivision; wetlands in middle; how to access part in middle – deal with owners fronting on Hwy 7; purchase of Whitford lands; Mr. Mudge – MTO would not permit an industrial access anywhere but south of Whitford house; J. Buislman- have access to developable lands; 15m buffer on either side; buffer not intended for development; there is developable lands in center; idea is to take large piece and add; Mr. Fellows planning land for storage; drainage easement runs through – lot line area; Township suggest deferral but if approved – conditions; MHBC – approve subject to conditions; Bernie Hermsen deny or defer for concept plan; explained – wet land area; past severance; bridge; develop area; township concern access – if stayed with Fellows – how access; existing entrance large enough to access lands; Fellows property has storage units existing; zone change will be applied for; feel concept plan provides a better picture; wold like approved subject to conditions; W. White – understand use and support; conceptual plans presented today has not gone to G/E council; broad concept needed – not against – want to be clear; Council level needs to review; if this plan had come in; when flipping land from agricultural to industrial – need to know what is going on;

Moved by Warden White Seconded by Councilor Shawn Watters

THAT application B56/14 be deferred to allow Guelph/Eramosa Council review and comment on concept plan presented to Planning and Land Division Committee July 24, 2014.

Carried

G. Mudge – reason concept plan was not sent to Township is because they did not ask for it; Warden White – June 22nd motion from Guelph/Eramosa Council – subject to design and concept.