REPORT SUMMARY

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

Date of Consideration: **September 11, 2014** **TIME: 9:45 a.m.**

File Number: **B79/14**

Applicant: **Canaussie Farms Inc.**

Subject Lands: TOWNSHIP OF CENTRE WELLINGTON (Nichol) – Lot 8, Concession 14

Surplus Farm Dwelling Application

Proposal is a request for consent to convey fee simple for a proposed severance 95m fr x 253m = 2.4 hectares (5.9 acres), in the TOWNSHIP OF CENTRE WELLINGTON (Nichol) – Lot 8, Concession 14, existing and proposed rural residential use with existing dwelling, driveshed and shed, together with an easement over retained for geothermal system to benefit existing dwelling; retained lands are 38.5 ha (95 ac).

ISSUES: County Planning – size of severed residential – Committee should be satisfied proposal is justified based on existing site conditions.

SUMMARY of FILED REPORTS and COMMENTS:

Township of Centre Wellington - staff opinion – in support of application; conforms to zoning; conditions to apply

County Planning - notice cards were posted at time of site visit; MDS1 is not applicable as existing dwelling is already located on parcel of land separate from the subject livestock facility; a Farm Information Form has been provided including a list of farm holdings of the intended purchaser (Drost Cattle Inc.) which demonstrate that this application would constitute a farm consolidation; staff preference to see smaller parcel 0.8 ha (2 ac) in size for retained residential lot; conditions to apply

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 B79/14.
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 Owner receive approval from the Township of Centre Wellington in a manner deemed acceptable for an entrance to the severed and retained parcel; and further that the Township of Centre Wellington 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 Township of Centre Wellington, financial and otherwise (included but not limited to Taxes paid in full; copy of Deposited Reference Plan; undertaking to advise Twp when deed is Registered; Tax Assessment Roll Setup Fee paid) 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 Township of Centre Wellington 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.
8) THAT the Owner provides written confirmation from a licensed septic installer that the existing septic system is functioning properly and that the septic system has been pumped to the satisfaction of the Township of Centre Wellington; and further that the Township of Centre Wellington file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition
9) 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.

*****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 B79/14

APPLICANT

Canaussie Farms Inc.
6822 Beatty Line
Fergus ON N1M 2W3

LOCATION OF SUBJECT LANDS:

CENTRE WELLINGTON (Nichol)
Lot 8
Concession 14

Surplus Farm Dwelling Application

Proposed severance is 95m fr x 253m = 2.4 hectares, existing and proposed rural residential use with existing dwelling, driveshed and shed. Together with an easement over retained for geothermal system to benefit existing dwelling.

Retained parcel is 38.5 hectares with 305m frontage, existing and proposed agricultural use. Together with an easement for geothermal system to benefit dwelling on the severed parcel.

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

AT 9:45 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 – Drost Cattle Inc.** **Agent – Vince Starratt**

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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: B79/14

APPLICANT

Canaussie Farms Inc.
6822 Beatty Line
Fergus ON N1M 2W3

LOCATION OF SUBJECT LANDS

CENTRE WELLINGTON (Nichol)
Lot 8
Concession 14

Surplus Farm Dwelling Application

Proposed severance is 95m fr x 253m = 2.4 hectares, existing and proposed rural residential use with existing dwelling, driveshed and shed. Together with an easement over retained for geothermal system to benefit existing dwelling.

Retained parcel is 38.5 hectares with 305m frontage, existing and proposed agricultural use.

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER: 2326 · 000 · 023 · 05800

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

If answer is no, please provide new information: _____

Do you consider this proposal to conform to your Official Plan? YES( ) NO( ) County of Wellington Official Plan applies.

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 [✓] NO [ ]

(Please Specify) _____

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

(Please Specify) _____

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(✓) 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 Beatty Line N.

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

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

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

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

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SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

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?

N/A

Continued to Page 2

MUNICIPALITY COMMENTING FORM

FILE NO: B79/14

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 [ ]

Please see attached sheet of conditions.

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]

N/A

Is the Municipality in support of this application? **YES**(✓) **NO**( ) Planning staff opinion only.

What Conditions, if any, are requested by the Municipality if the Consent is granted?

Please see attached sheet of conditions.

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

SIGNATURE _____

TITLE: Planner

ADDRESS: 1 MacDonald Square, Elora ON N0B 1S0

DATE: Aug. 18/14

FILE NO: B 79/14 – Canaussie Farms Inc.
6822 Beatty Line N., Fergus

Conditions requested if the Consent is granted:

- ☐ That land be dedicated or other requirements met for park or other public recreational purposes.
- ☑ Satisfy all the requirements of the local municipality, financial and otherwise
- ☑ Driveway entrance approval
- ☑ Taxes Paid in Full
- ☐ Service Connections to be confirmed
- ☐ Official Plan Amendment
- ☐ Zoning Compliance
- ☐ Development Agreement and/or Site Plan Agreement (Lot Grading and Drainage)
- ☑ Copy of deposited Reference Plan
- ☑ Undertaking to advise Township when deed is Registered
- ☑ Tax Assessment Roll Setup Fee

Additional Notes:

Please add the following condition for the severed parcel:

Confirmation that the existing septic system is functioning properly and that the septic system has been pumped.

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	B79/14
Location	Part Lot 8, Concession 14 TOWNSHIP OF CENTRE WELLINGTON
Applicant/Owner	Canaussie Farms Inc.

PLANNING OPINION: This application would sever a 2.4 ha (5.9 ac) parcel with existing dwelling, drive shed and shed in the Prime Agricultural area. An easement over the retained parcel for a geothermal heat loop in favour of the severed would also be established. A vacant 38.5 ha (95.1 ac) agricultural parcel would be retained. This application is being submitted under the surplus farm dwelling policies.

The severed lot is larger than intended by Official Plan policies for surplus farm dwellings. Staff's preference is to see a smaller parcel of approximately 0.8 ha. (2 ac.) in size, where feasible. The Committee should be satisfied that the proposal is justified based on existing site conditions.

If approved, we would request that that the following matters be 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 County of Wellington Planning and Development Department.

PLACES TO GROW: No issues.

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.

Regarding Minimum Distance Separation 1 (MDS1). Minimum Distance Separation 1 (MDS1) is not applicable to surrounding livestock facilities and those existing on the severed parcel. Under item 8 of the Implementation Guidelines, MDS1 is not applied to a proposed lot with an existing dwelling when that dwelling is already located on a parcel of land separate from the subject livestock facility.

WELLINGTON COUNTY OFFICIAL PLAN: The subject property is designated PRIME AGRICULTURAL and CORE GREENLANDS. 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. With respect to item c) we note that the inclusion of land which is currently being cultivated at the front of the property has contributed to the severed lots size to be beyond the 1 to 2 acres normally needed for a residential lot.

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 intended purchaser (Drost Cattle Inc.) which demonstrate that this application would constitute a farm consolidation.

The matters under Section 10.1.3 were also considered.

LOCAL ZONING BY-LAW: The subject lands are zoned Agricultural (A) and Environmental Protection Overlay (EP Overlay). Both lots would meet the minimum lot area and frontage requirements. A zoning by-law amendment would be necessary to prohibit residential use on the retained parcel.

SITE VISIT INFORMATION: The subject property was visited and photographed on July 31st 2014. Notice Cards were posted and the survey sketch appears to meet the application requirements.

Jameson Pickard

Jameson Pickard, Junior Planner
August 20th, 2014

400 Clyde Road, P.O. Box 729, Cambridge, ON N1R 5W6
Phone: 519-621-2761 **Toll free:** 866-900-4722 **www.grandriver.ca**

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

DATE: August 8, 2014 **YOUR FILE:** B79/14
GRCA FILE: CentWell/2014/Sev

RE: **Application for Consent B79/13**
Lot 8, Concession 14
Canaussie Farms Inc.

GRCA COMMENT:*

The Grand River Conservation Authority (GRCA) does not object to the proposal to sever a 2.4 hectare parcel for existing and proposed rural residential use together with an easement over the proposed retained lands for a geothermal system..

BACKGROUND:

1. **Resource Issues:**

   Information currently available at this office indicates that the lands to be retained contain a watercourse and the regulated allowance to this feature.

   Information currently available at this office also indicates that the lands to be severed contain no features of interest to the GRCA.

   Please be advised that a portion of the lands to be retained contain a significant woodland feature that has been identified as part of the Core Greenlands System within the County of Wellington Official Plan.

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

   Due to the above noted features, portions of the retained lands are regulated by the GRCA under the *Development, Interference, with Wetlands, and Alterations to Shorelines and Watercourses Regulation* (*Ontario Regulation 150/06*). Future development or other alteration within the regulated areas will require a permit from our office.

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 require further information, please contact the undersigned at extension 2320.

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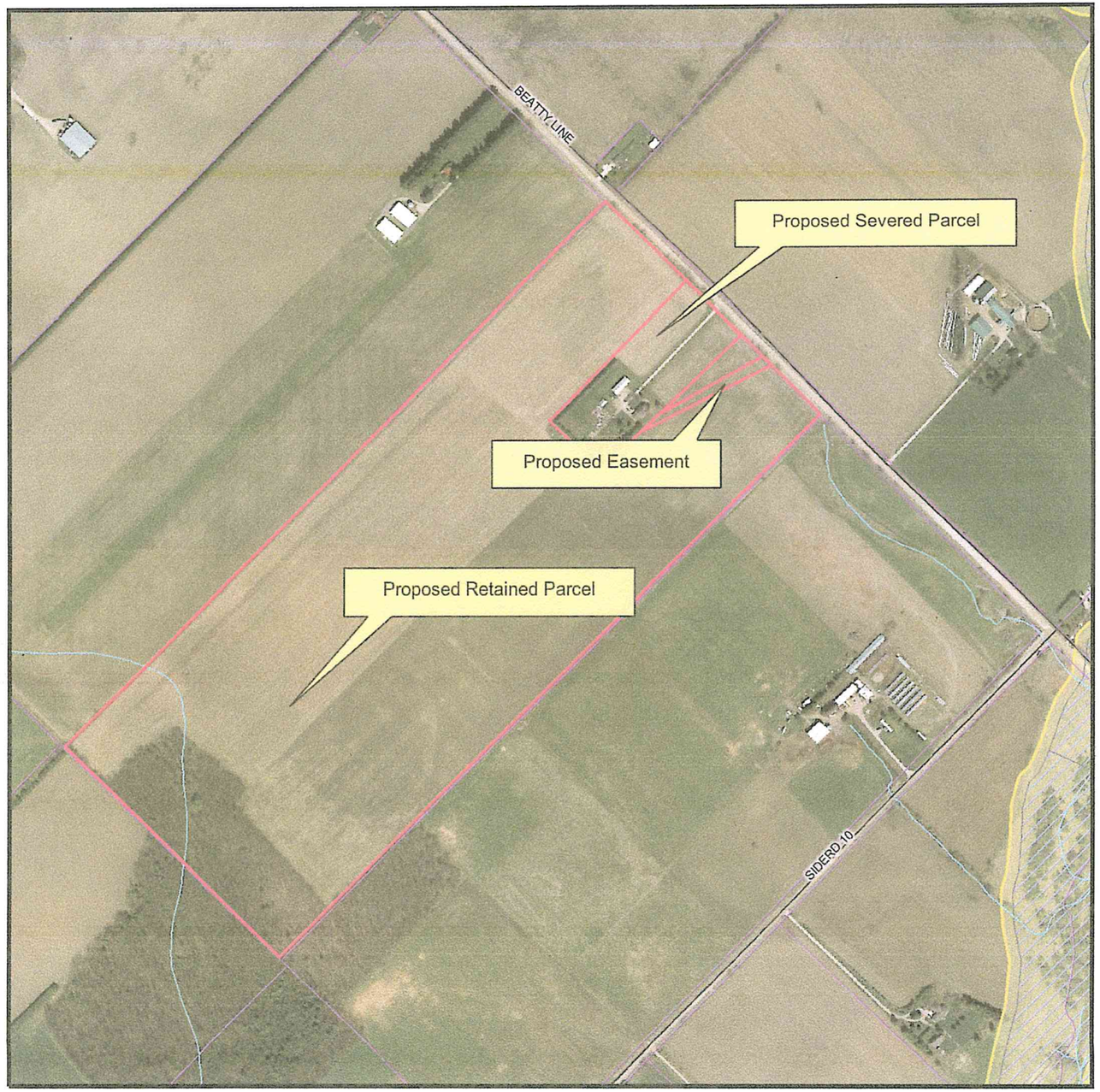
AUG 13 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Yours truly,

Jason Wagler, MCIP, RPP
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.***

Encl. (1)
cc. Township of Centre Wellington
Canaussie Farms Inc., 6822 Beatty Line, Fergus, ON, N1M 2W3



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Grand River Conservation Authority
Map created: August 7, 2014

B79/14

LEGEND

- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- DRAIN CLASSIFICATION (GRCA)
  - A
  - B
  - C
  - D
  - E
  - F
  - UNCLASSIFIED
- DRAINAGE-NETWORK (GRCA)
- PARCELS-ASSESSMENT (MPAC)
- LOTS (NRVIS)
- FLOODPLAIN (GRCA)
  - ENGINEERED
  - APPROXIMATE
  - ESTIMATED
- WETLAND (GRCA)
- SLOPE VALLEY (GRCA)
  - STEEP
  - OVERSTEEP
- SLOPE EROSION (GRCA)
  - STEEP
  - OVERSTEEP
  - TOE
- 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://grims.grandriver.ca/docs/SourcesCitations1.htm

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NAD 1983, UTM Zone 17 Scale 1:7,500

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