REPORT SUMMARY

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

Date of Consideration: **September 11, 2014** **TIME: 9:20 a.m.**

File Number: **B77/14**

Applicant: **R.O.S.S. Farm & Services Ltd.**

Subject Lands: TOWN OF MINTO – Part Lot 114, Concession D

Proposal is a request for consent to convey fee simple for a proposed lot line adjustment 2.0 acres with 20' frontage, existing vacant land to be added to abutting commercial lot – Stroeder. Re-submission of lapsed application B93/11; retained lands 2.6 acres.

ISSUES: neighbour concern

SUMMARY of FILED REPORTS and COMMENTS:

Town of Minto – no comments received at time of circulation

County Planning - notice cards were posted at time of site visit; application is consistent with Provincial Policy and generally conforms to Official Plan; severed to be rezoned to same highway commercial category as lands to be added to; conditions to merge

County Engineering – commercial access for severed and merged parts will be restricted to Wellington Road 109 – existing farm field entrance on Wellington Road 123 will not accommodate standard minimum width requirement of 30' for a Commercial Entrance onto a County Road; condition to apply

Others (e.g. neighbours) – Kim & Jim Culling (6634 Wellington Road 123, R. R. #1 Palmerston ON N0G 2P0) – concerns with safety of family and dogs; hazardous fluids – oil, gasoline, etc possibly getting into our clean water source; since July 2011 (B93/11) and present – nothing has changed – see attached photos – same transport and tractor; County of Wellington July 14/11 – existing field entrance on Wellington Rd. 123 will not be permitted; screening was to be added to divide property (Zoning By-law 0-1-86) Town of Minto – has not yet been added and present owner maintaining property knowingly blows grass on our vehicles; **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 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 B77/14.
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 owner satisfy the requirements of the County of Wellington Roads Division concerning a 0.3m (1') reserve along Wellington Road 123 of the severed; and that the County of Wellington Roads Division files with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
****** possible Town of Minto conditions (as per B93/11 lapsed application)******
8) 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.
9) THAT the Owner receive zoning compliance and classification from the Local Municipality in a manner deemed acceptable by the Local Municipality; and that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
10) THAT the Owner satisfy all the requirements of the local municipality for a lot grading and drainage plan; 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.

*****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 B77/14

APPLICANT

R.O.S.S. Farm & Services Ltd.
c/o Gerald Stroeder
6751 Wellington Rd #109
RR#1
Palmerston ON N0G 2P0

LOCATION OF SUBJECT LANDS:

TOWN OF MINTO
Part Lot 114
Concession D

Proposed irregular shaped lot line adjustment is 2.0 acres with 20' frontage, existing vacant land to be added to abutting commercial lot – Gerald Stroeder. Re-submission of lapsed application B93/11.

Retained parcel is 2.6 acres with 200' frontage, existing vacant commercial lot.

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

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 – R.O.S.S. Farm & Services Ltd.**
Others: Kim & Jim Culling (6634 Wellington Road 123, R. R. #1 Palmerston ON N0G 2P0

Jana Poechman

From: Peg Schieck <peg@town.minto.on.ca>
Sent: Thursday, August 21, 2014 10:12 AM
To: Jana Poechman
Cc: Stacey Pennington; BWhite@town.minto.on.ca
Subject: RE: Comments - B77/14

Hi Jana

Good, thanks for asking.

Due to the AMO Conference, Minto Council only had one Council meeting in August and once Stacey realized this she contacted Linda Redmond, to advise.

Severance file B77/14 for R.O.S.S. Farm & Services is going forward to Council for Comments at the September 2 Council Meeting. Stacey will forward comment to you on September 3rd.

Sorry for the delay in getting your these comments.

Peg Schieck, CMO
Clerk's Assistant,
Town of Minto, 5941 Highway 89, Harriston
T 519.338.2511 x 243
F 519.338.2005
E peg@town.minto.on.ca
www.town.minto.on.ca

The information contained or included in this email message and any attachment may be privileged and confidential and may contain personal information that may be subject to the privacy provisions of the Municipal Freedom of Information and Protection of Privacy Act and the Personal Information Protection and Electronic Documents Act, and is intended only for the use of the recipient(s) named above. If you have received this email in error, please notify me immediately and delete this email and any attachment without copying, distributing or disclosing its contents.

From: Jana Poechman [mailto:janap@wellington.ca]
Sent: August-21-14 9:39 AM
To: Peg Schieck
Subject: Comments - B77/14

Hi Peg.

Welcome back to work! How is your leg healing?

I'm just wondering when we will receive comments for R.O.S.S. Farm & Services. Please let me know when you have a sec.

Thanks.
Jana

Jana Poechman| Land Division Clerk | Planning and Development Department
County of Wellington | 74 Woolwich Street | Guelph | Ontario | N1H 3T9

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
AUG 20 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Application	B77/14
Location	Part Lot 114, Concession D TOWN OF MINTO
Applicant/Owner	R.O.S.S. Farm & Services Ltd.

PLANNING OPINION: This application for a lot line adjustment would sever a vacant 0.8 ha (2 ac) lot and merge it to an adjacent commercial lot in the Hamlet of Teviotdale. The resulting parcel would be a 1.37 ha (3.4 ac) commercial lot. A vacant 1 ha (2.6 ac) commercial lot would be retained. The purpose of this lot line adjustment is to provide space for the commercial operation on the lands to be added to, to expand.

This application is consistent with Provincial policy and generally conforms to the Official Plan, provided that the following matters are addressed as conditions of approval:

a) That zoning compliance is achieved for the severed parcel to the satisfaction of the local municipality; and,
b) That the purchaser take title to the severed lands in the same manner as they hold their abutting land; and,
c) 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.

PLACES TO GROW: The Places to Grow policies place an emphasis on intensification and optimizing the use of existing land supplies. Under section 2.2.2.1 which deals with managing growth it states, "population and employment growth will be accommodated by focusing intensification in intensification areas". Intensification is defined as "the development of a property, site or area at a higher density than currently exists through,.....b) the development of vacant and/or underutilized lots within previously developed areas; or c) infill development".

PROVINCIAL POLICY STATEMENT (PPS): Section 1.1.3.3 of the Provincial Policy Statement directs growth and development to occur within settlement areas. The proposed lot line adjustment is located within the Hamlet of Teviotdale and is consistent with the PPS which encourages development in areas with existing servicing and infrastructure.

WELLINGTON COUNTY OFFICIAL PLAN: The subject property is designated HAMLET (Teviotdale). Section 10.6.3 Lot Line Adjustments, states that: lot line adjustments may be permitted where there is no adverse effect provided that basic lot patterns in an area are not unreasonably altered.

The matters under section 10.1.3 were also considered.

LOCAL ZONING BY-LAW: The subject property is currently zoned Highway Commercial with special provisions (C2-14). The severed parcel would have to be rezoned to the same highway commercial category as the lands to be added to. Both lots would meet the lot area and frontage requirements.

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

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

August 26, 2014

Deborah Turchet
Secretary Treasurer
Land Division
County of Wellington

RE: **Application for Consent B77/14**
R.O.S.S Farm Services Ltd
Part Lots 114, Concession D,
Town of Minto, County of Wellington

Dear Deborah:

Commercial access for the Severed and Merged parts will be restricted to Wellington Road 109. The existing Farm/Field entrance on Wellington Road 123 with a frontage of 6m (20') will not accommodate the standard minimum width requirement of 9m (30') for a Commercial Entrance onto a County Road.

The County of Wellington Roads Division will require a 0.3m (1') reserve along Wellington Road 123, which allows access across but limiting the access to Farm/Field type vehicles/equipment and that Commercial access will not be permitted.

Sincerely,

Pasquale Costanzo, C.E.T.
Technical Services Supervisor

In Response to file No: B77/14. Re-submission of lapsed application B93/11

From: Kim and Jim Culling – 6634 Wellington Rd 123 RR#1 Palmerston, Ontario N0G2P0

As a home owner in the small town of Teviotdale, I have received a Notice Of An Application For Consent for Severence of land. File No. B77/14

Applicant: R.O.S.S. Farm & Services Ltd.
c/o Gerald Stroeder
6751 Wellington Rd #109 RR#1
Palmerston, Ontario N0G2P0

I am submitting my comments to you in hopes that this will NOT take affect.

As a re-submission from File No: B93/11 now to File N0: B77/14 has been granted, I would like to address a few concerns that my husband and I have in relation to this application.

In adding the total severance to the said property would allow Mount Forest Truck centre to place their unused and part trucks for storage. My fear is that one of my children, nieces, nephew, dogs or even ourselves be put in the way of harm due to this expansion of this truck business. Also fearing the dripping of oils and gasoline too close to our homes.

We need to preserve our agricultural land and not make it a dumping ground for these trucks. We moved to Teviotdale in Feb of 2007 and have taken care of that strip of property along our driveway since then.

There is definitely the fact that our home will depreciate significantly due to this severance and their plans. Looking out our front door right now is the field and the restaurant. Nobody wants to look out and see old parts and trucks that will no doubt contain hazardous fluids such as oil, gasoline, antifreeze that has to possibility of getting into our clean water source as we have a well.

I have attatched updated photos of the said property and as you can see, nothing has changed with the amount of vehicles sitting there once again for the last few years. Note that the same transport and tractor in photo from July 2011 and now the present August 2014.

As stated in the in the letter from the County Of Wellington dated July 14, 2011 "Commercial access for the Severed and Merged parts will be restricted to Wellington Road 109. The existing field entrance on Wellington Road 123 will not be permitted."

Screening was to be added to divide the property as stated in the Zoning By-Law NO. 01-86 For the Corporation of the town of Minto and has not yet been added. The Present owner of the said property is now maintaining the irregular shaped part of the lot that runs along our driveway, however he is now knowingly blowing all of the grass on our vehicles.

neighbour's garage.
land in severance.
our driveway

potential land. to be used by truck centre

2011

this is what the business looks like now. Note burnt? vehicles, trucks, tractor, have been there for years. Only to have it move closer back to our home.

County of Wellington
Planning And Land Division Committee

Aug 16/2014

REQUEST TO BE NOTIFIED OF THE DECISION

I wish to be notified of the decision of the County of Wellington Planning and Land Division Committee in respect of the said proposed consent.

FILE NO. B77/14

Applicant:
R.O.S.S. Farm Services Ltd
c/o Gerald Stroeder

Regards,

Kim & Jim Culling

6634 Wellington Rd 123
Palmerston, Ontario
N0G 2P0

H: 519-343-4000
W: 519-291-3520
C: 519-897-2424

County of Wellington
Planning And Land Division Committee

Aug 16/2014

REQUEST TO BE NOTIFIED OF THE DATE AND TIME OF THE CONSIDERATION

I wish to be notified of the date and time of the consideration of the County of Wellington Planning and Land Division Committee in respect of the said proposed consent.

FILE NO. B77/14

Applicant:
R.O.S.S. Farm Services Ltd
c/o Gerald Stroeder

Regards,

Kim & Jim Culling

6634 Wellington Rd 123
Palmerston, Ontario
N0G 2P0

H: 519-343-4000
W: 519-291-3520
C: 519-897-2424

LAPSED APPLICATION

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

MINUTES

ON APPLICATION B93/11

APPLICANT

R.O.S.S. Farm Services Ltd.
c/o Gerald Stroeder
6751 Wellington Rd #109
RR#1
Palmerston ON N0G 2P0

LOCATION OF SUBJECT LANDS:

TOWN OF MINTO
Part Lot 114
Concession D

Proposed irregular shaped lot line adjustment is 2.0 acres with 20' frontage, existing vacant land to be added to abutting commercial lot – Gerald Stroeder.

Retained parcel is 2.6 acres with 200' frontage, existing vacant commercial lot.

COMMITTEE MEMBERS PRESENT: **Chris White, Warden; Shawn Watters - Chairman**
John Green, Jean Innes, Bruce Whale

DATE: **July 28, 2011**

Appearing Before the Committee: Gerald Stroeder – owner; Lois Comly; Denise Whaley – P&D Staff
Kim, Kelsey and Ashley Culling - neighbour

Public Hearing Notes: Land Division Committee considered aerial views and pictures of the site and written reports; G. Stroeder – needed more room for shop; commercial since the 60'se; Kim Culling – letter of concern – on the 20' piece not be accessed by commercial vehicles; concern with drainage of fluids from vehicles parked too close to our property and seeping into lands; Driveway issue has been resolved; B. Whale – mixing commercial and residential; make more sense to square off; G. Stroeder – how would you deal with balance; L. Comly – this was made for access of farm machinery; G. Stroeder – piece is zoned commercial; D. Whaley – both lots zoned commercial; hamlet commercial and highway commercial; B. Whale – issue of backyard is need to address possible buffer G. Stroeder – had been vacant but will address

Chairman Shawn Watters explained the conditions that were requested for approval of this consent application, the procedures for appeal of the Committee's decision to the OMB, and that there is only one year within which to fulfill all the conditions; and then asked the applicant if he understood the conditions and agreed to abide by them, and if he was sure of the dimensions of the severed parcel.

Applicant understood and concurred with the explanations and conditions and agreed to abide by them as stated by Chairman, Shawn Watters.

For Comments and Summary Report Considered - See Summary Report Page

DECISION - PROVISIONAL CONSENT GRANTED SUBJECT TO TEN CONDITIONS OF APPROVAL - See Decision Page for particulars

REPORT SUMMARY

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

Date of Consideration: July 28, 2011 TIME: 11:55 a.m.

File Number: **B93/11**

Applicant: **R.O.S.S. Farm & Services Ltd.**

Subject Lands: TOWN OF MINTO – Part Lot 114, Concession D

Proposal is a request for consent to convey fee simple for a proposed lot line adjustment 2.0 acres with 20' frontage, existing vacant land to be added to abutting commercial lot - Stroeder; retained lands 2.6 acres.

ISSUES: neighbour concern

SUMMARY of FILED REPORTS and COMMENTS:

Town of Minto – council in support of application; conditions to apply

County Planning - notice cards were posted at time of site visit; proposed parking and expanding of commercial operation permitted under zoning by-law; application is consistent with provincial policy and generally conforms to Official Plan; conditions to merge to be addressed

Conservation Authority (Maitland Valley) – no concerns

County Engineering – commercial access for severed and merged parts will be restricted to Wellington Road 109 – existing farm field entrance on Wellington Road 123 will not accommodate standard minimum width requirement of 30'; condition to apply for road widening

Others (e.g. neighbours) – Kim & Jim Culling (6634 Wellington Road 123, R. R. #1 Palmerston ON N0G 2P0 – concern with driveway beside his – understand to be used for transport trucks enter and exit – have only 2 feet of space beside. Concern with safety of family and dogs; hazardous fluids – oil, gasoline, anti-freeze - possibility of getting into clean water source; **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 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 document **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 ConsentB93/11.
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.
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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.
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8) THAT the Owner receive zoning compliance and classification from the Local Municipality in a manner deemed acceptable by the Local Municipality; 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 satisfy all the requirements of the local municipality for a lot grading and drainage plan; 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.
10 THAT the owner satisfy the requirements of the County of Wellington Roads Division concerning a 0.3m (1') reserve along Wellington Road 123 of the severed; and that the County of Wellington Roads Division files 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*****