REPORT SUMMARY

THIS PROPOSAL HAS BEEN PLACED INTO THE EXPEDITED APPROVAL PROCESS YOUR ATTENDANCE IS NOT REQUIRED BEFORE THE LAND DIVISION COMMITTEE. PLEASE SIGN and RETURN THE 'AGREEMENT TO CONDITIONS' LETTER IMMEDIATELY

Date of Consideration: **October 9, 2014**

File Number: **B84/14**

Applicant: **Bradley Culp**

Subject Lands: TOWNSHIP OF WELLINGTON NORTH (West Luther) – Part Lot 3, Concession 3

Surplus Farm Dwelling Application

Proposal is a request for consent to convey fee simple for a proposed severance is 0.57 ha (1.4 acres) with 55m frontage in the TWP OF WELLINGTON NORTH (West Luther) – Part Lot 3, Concession 3, existing and proposed rural residential use with existing house & building; retained lands are 41.1 ha (101.6 acres).

ISSUES: none

SUMMARY of FILED REPORTS and COMMENTS:

Township of Wellington North – in support of application; conditions to apply

County Planning - notice cards were not posted at time of site visit; farm information forms have been received which demonstrates that this application would constitute a farm consolidation; barn is to be demolished – no MDS 1 concerns provided condition imposed; conditions

Conservation Authority (Saugeen Valley) – 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 B84/14.
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 Wellington North (if required) for an entrance; and further that the Township of Wellington North 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.
8) THAT the Owner receive zoning compliance and classification from the Local Municipality in a manner deemed acceptable by the Local Municipality to address the shed on severed for relief of area and height; 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 barn on the retained parcel be demolished (debris and foundation completely cleaned up) to the satisfaction of the Township of Wellington North; and further that the Township of Wellington North 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.
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 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.

*****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

September 25, 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 B84/14

APPLICANT

Bradley Culp
9468 Sideroad 3
RR#1
Conn ON N0G 1N0

LOCATION OF SUBJECT LANDS:

WELLINGTON NORTH (West Luther)
Part Lot 3
Concession 13

Surplus Farm Dwelling Application

Proposed severance is 0.57 hectares with 55m frontage, existing and proposed rural residential use with existing house & building.

Retained agricultural parcel is 41.1 hectares with 521m frontage on Line 12 and 618m frontage on Sideroad 3. Existing barn to be removed.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, October 9, 2014**

for the purpose of considering this **EXPEDITED APPLICATION.**

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 IS NOT REQUIRED TO ATTEND**. MAKE SURE THAT THE AGREEMENT LETTER IS SIGNED AND RETURNED TO THE PLANNING AND LAND DIVISION COMMITTEE OFFICE.

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: **Owner – Bradley Culp** **Agent – Vince Starratt**

RECEIVED
SEP 10 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

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: B84/14

APPLICANT

Bradley Culp
9468 Sideroad 3
RR #1
Conn, ON NOG 1N0

LOCATION OF SUBJECT LANDS

WELLINGTON NORTH (West Luther Twp)
Part Lot 3
Concession 13

Surplus Farm Dwelling Application

Proposed severance is 0.57 hectares with 55m frontage, existing and proposed rural residential use with existing house & building.

Retained agricultural parcel is 41.1 hectares with 521 m frontage on Line 12 and 618m frontage on Sideroad 3. Existing barn to be removed.

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER: 23 49 000 016 09200 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)

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

(Please Specify Section 6.1.3 & 6.1.4 of Zoning By-law 66-01

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

(Please Specify) Section 8.2 of 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?

Continued to Page 2

MUNICIPALITY COMMENTING FORM

FILE NO: B 84/14

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)

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?

Owner receives approval from applicable road authority for an entrance (if required).

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.

That the Owner satisfy the requirements of the Local Municipality in reference to parkland dedication as provided for in the Planning act, RSO 1990.

That the shed on the severed parcel receive zoning relief for area and height.

That the barn on the retained parcel be demolished, debris and foundation completely cleaned up.

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

SIGNATURE: Kathy Brown

TITLE: Deputy Clerk

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

DATE: September 9, 2014

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	B84/14
Location	Part Lot 3, Concession 4 TOWNSHIP OF WELLINGTON NORTH
Applicant/Owner	Bradley Culp

PLANNING OPINION: This application would sever a 0.57 ha (1.4 ac) parcel with a dwelling and workshop in a Prime Agricultural area. A 41.1 ha (101.5 ac) parcel would be retained. This application has been submitted under the surplus farm dwelling policies.

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 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 compliance for the severed parcel is achieved to the satisfaction of the local municipality; and,
c) That MDS 1 compliance is achieved by the removal of the barn or by rezoning the retained parcel to the satisfaction of the 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.

Minimum Distance Separation I (MDS I) is applied to a proposed lot with an existing dwelling when the dwelling is presently located on the same lot as the subject livestock facility. As the barn is to be demolished we would have no MDS I concerns provided a condition to remove the building is imposed.

WELLINGTON COUNTY OFFICIAL PLAN: The subject property is designated PRIME AGRICULTURAL. 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), c), d) and e). Item f) can be addressed as a condition of approval. 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 applicant 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 property is zoned Agricultural (A). Both lots would meet the applicable minimum lot area and frontage requirements. A zoning by-law amendment would be necessary to prohibit residential use on the retained parcel. Further, zoning relief would be required for the severed parcel to permit the (2,400 ft²) oversized accessory structure.

SITE VISIT INFORMATION: The subject property was visited and photographed on September 8th 2014. Notice Cards were **not** posted at the time of the site visit. The survey sketch appears to meet the application requirements.

Jameson Pickard

Jameson Pickard, Junior Planner
September 17th, 2014

RECEIVED
SEP 17 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

1078 Bruce Road 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

SENT ELECTRONICALLY (debt@wellington.ca)

September 17, 2014

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

RECEIVED
SEP 18 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

ATTENTION: Deborah Turchet, Secretary-Treasurer

Dear Mrs. Turchet,

RE: Application for Consent B84/14
Part Lot 3, Concession 13
Geographic Township of West Luther
Township of Wellington North (Bradley Culp)

The Saugeen Valley Conservation Authority (SVCA) has reviewed this application 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. A recent site inspection has not been conducted by Authority staff. The proposed severance will sever a surplus farm dwelling and accessory building. The adjacent barn located retained agricultural lot will be demolished. This application for consent is acceptable to the SVCA. We offer the following comments.

Natural Heritage

The significant natural heritage feature affecting the subject property is the habitat of the Bobolink, Eastern Meadowlark, Blanding's Turtle, and Loggerhead Shrike that has been identified on or near the property. The Bobolink, Eastern Meadowlark, and Blanding's Turtle are classified as Threatened, and the Loggerhead Shrike is classified as Endangered. Threatened and Endangered species and receive special protection under Ontario's *Endangered Species Act*.

County of Wellington Official Plan

Section 5.4.2 *Habitat of Endangered or Threatened Species and Fish Habitat* states in part the following:

> *Development and site alteration will not be allowed in significant habitat of endangered or threatened species.*

According to information available through the Natural Heritage Information Centre (NHIC), element

occurrences have been identified on or near the subject property indicating the presence of threatened or endangered species (Bobolink, Eastern Meadowlark, Blanding's Turtle, and Loggerhead Shrike). The SVCA recommends that the proponent contact the Ministry of Natural Resources (MNR) prior to any development or site alterations on the property. If habitat for an endangered or threatened species is found on or adjacent to the subject property, an EIS may be required. If an EIS is required we recommend the proponent contact our office.

Township of Wellington North Zoning By-law No. 66-01, as amended

In the opinion of the SVCA, a portion of the subject property is zoned Natural Environmental (NE) in the Township of Wellington North Zoning By-law No. 66-01. The parcel to be severed does not appear to be zoned NE. In general, no new buildings or structures are permitted in the NE Zone.

SVCA Regulation

Please be advised that a large portion of the property is subject to the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended). This Regulation is in accordance with Section 28 of the Conservation Authorities Act, R.S.O, 1990, Chap. C. 27. This Regulation requires that a person obtain the written permission of the SVCA prior to any "development" in a Regulated Area or alteration to a wetland or watercourse. Although mapping showing the Regulation Limit on the subject property is not available at this time, the NE Zone plus a 50 metre offset distance from the Zone boundary should be used as an approximate screening area within which the Regulation could apply.

"Development" and Alteration

Subsection 28(25) of the Conservation Authorities Act defines "development" as:

a) *the construction, reconstruction, erection or placing of a building or structure of any kind;*

b) *any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;*

c) *site grading; or*

d) *the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.*

According to Section 5 of Ontario Regulation 169/06, as amended, alteration generally includes the straightening, diverting or interference in any way with a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

Permission for Development or Alteration

It is the understanding of the SVCA that no new buildings or structures are proposed on the subject property. However, it is proposed to demolish the exiting barn on the parcel to be retained. Given the information available at this time, the existing barn to be demolished does not appear to be within the SVCA's Regulated Area and a permit from this office will not be required for the removal of that building. If development

including construction, reconstruction, conversion, grading, filling, or excavation is proposed on the parcel to be retained in the future, the SVCA should be contacted as permission may be required.

Conclusion

All of the plan review functions listed in the Agreement have been assessed with respect to this proposal. The Authority is of the opinion that this application for consent appears to conform to the relevant policies of the County of Wellington Official Plan and Provincial Policies referred to in the Agreement. This application for consent is acceptable to the SVCA.

We trust this information is helpful. Should questions arise, please do not hesitate to contact this office.

Sincerely,

J. Prenger

Jennifer Prenger
Environmental Planning Technician
Saugeen Conservation

JP/

cc: Bradley Culp, Owner; 9468 Sideroad 3, RR#1 Conn, ON, N0G 1N0
Vincent J. Starratt, Grant & Acheson LLP, Agent; 265 Bridge St., P.O. Box 128, Fergus ON, N1M 2W7
Terry Fisk, SVCA Director (via email)