REPORT SUMMARY

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

Date of Consideration: **October 13, 2016** **TIME: 9:05 a.m.**

File Number: **B62/16**

Applicant: **Chris Samuel & Dana Buehler**

Subject Lands: TOWNSHIP OF WELLINGTON NORTH (West Luther) – Part Lot 1, Concession 7

Surplus Farm Dwelling Application

Proposal is a request for consent to convey fee simple for a proposed severance 0.8 ha (1.98 ac) with 88.1m fr in the TOWNSHIP OF WELLINGTON NORTH (West Luther) – Part Lot 1, Concession 7, existing and proposed rural residential use with existing house, shed & garage; retained lands are 35 ha (86.49 ac)

ISSUES: size of severed parcel

SUMMARY of FILED REPORTS and COMMENTS:

Township of Wellington North – in support of application; lots are fully within watershed of West Luther Drain 36 and will require assessment split for outlet; conditions to apply

County Planning - notice cards were posted at time of site visit; severed includes approx. 1 acre of productive farm land, buffer area around future house, severed could be reduced in size to keep more cultivated land with farm; committee should be satisfied larger parcel justified; build new home to replace existing 130 year old home and relocate it away from W.C.Rd 14; Farm Information Form received

Conservation Authority (GRCA) – no objections

County Engineering – no objection; condition to apply for widening

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 including the Form 2 Certificate for Consent B62/16.
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 and issuance of the Certificate of Consent for the severed parcel.
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 (included but not limited to Taxes paid in Full; a Fee of $125.00 for Township Clearance Letter of conditions – or whatever fee is applicable at the time of clearance under the municipal Fees and Charges by-law) which the Township of Wellington North 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 Wellington North file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
6) THAT the Owner receive zoning compliance and classification from the Township of Wellington North in a manner deemed acceptable by Township to allow the combined accessory building area of 222.55 sq.m on the severed parcel whereas a maximum of 102.19 sq.m is permitted; and 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.
7) 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.
8) THAT the Owner enter into an agreement for reapportionment of the municipal drain costs; 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 Owner satisfy the requirements of the Township of Wellington North in reference to parkland dedication of $1,000.00 (or whatever fee is applicable at the time of clearance under the municipal Fees and Charges by-law) as provided for in the Planning Act, R.S.O. 1990; and 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 sign an undertaking to satisfy the requirements of the County of Wellington Roads Department concerning a road widening conveyance along the frontage of the severed parcel at the time of demolition of the existing house; and that the County of Wellington Roads Department 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*****

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

September 29, 2016

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 B62/16

APPLICANT

Chris Samuel & Dana Buehler
8949 Wellington Rd 14
RR#4
Kenilworth ON N0G 2E0

LOCATION OF SUBJECT LANDS:

WELLINGTON NORTH (West Luther)
Part Lot 1
Concession 7

Surplus Farm Dwelling Application

Proposed severance is 0.8 hectares with 88.1m frontage (Parcel B on sketch), existing and proposed rural residential use with existing house, shed & garage.

Retained parcel is 35 hectares with 556m frontage, existing and proposed agricultural use. (Parcel A on sketch)

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, October 13, 2016**

AT 9:05 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 – Chris Samuel & Dana Buehler**

RECEIVED
SEP 1 2 2016
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: B62/16

APPLICANT

Chris Samuel & Dana Buehler
8949 Wellington Rd 14
RR#4
Kenilworth ON N0G 2E0

LOCATION OF SUBJECT LANDS

WELLINGTON NORTH (West Luther)
Part Lot 1
Concession 7

Surplus Farm Dwelling Application

Proposed severance is 0.8 hectares with 88.1m frontage (Parcel B on sketch), existing and proposed rural residential use with existing house, shed & garage.

Retained parcel is 35 hectares with 556m frontage, existing and proposed agricultural use. (Parcel A on sketch)

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER:23-49-000-015-11600-0000

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 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) 6.1.4 of Zoning By-law 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 **Wellington County Rd 14**

_____

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)

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?

Both the created lot and the residual lot are fully within the watershed of West Luther Drain 36 and will require an assessment split for outlet only under Section 65 of the Drainage Act, RSO 1990.

The original Outlet assessment to the 92 acres of South part Lot 1, Concession 7 under By-law 1925 is $8739 so the split assessments are 2 acres or $190 to parcel B being created and 90 acres or $8549 to parcel A being retained.

Continued to Page 2

MUNICIPALITY COMMENTING FORM

FILE NO: B62/16

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** Payment be made of the fee of $125.00 (or whatever fee is applicable at the time of clearance under the municipal Fees and Charges By-law) for a letter of clearance;
- **THAT** the Owner satisfy all the requirements of the local municipality, financial and otherwise for the proper and orderly development of the subject lands, including but not limited to outstanding taxes;
- **THAT** the Owner As provided for in the Planning Act, R.S.O. 1990 the Owner satisfy the requirements of the Local Municipality in reference to parkland dedication fee in the amount of $1,000.00 (or whatever fee is applicable at the time of clearance under the municipal Fees and Charges By-law).
- **THAT** the owner obtain zoning approval to allow the combined accessory building area of 222.55 m² on the severed parcel whereas as maximum of 102.19 m² is permitted.
- **THAT** the owner enter into an agreement for reapportionment of the municipal drain costs.

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

SIGNATURE _____

TITLE: CLERK

ADDRESS: BOX 125, 7490 Sideroad 7 W Kenilworth N0G 2E0

DATE: September 13, 2016

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
SEP 15 2016
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Application	B62/16
Location	Part Lot 1, Concession 7 TOWNSHIP OF WELLINGTON NORTH
Applicant/Owner	Chris Samuel & Dana Buehler

PLANNING OPINION: This Surplus Farm Dwelling application would sever a 0.8 ha (2 ac) parcel with existing dwelling, shed and garage. A vacant 35 ha (86.5 ac) agricultural parcel would be retained.

The severed parcel includes approximately 0.4 ha (1 ac) of productive farm land. While we appreciate the need for a buffer area around the future house, the severed parcel could be reduced in size to keep more cultivated land with the farm. The Committee should be satisfied that the larger residential parcel is justified.

We would have no other concerns, provided the following matters are addressed a condition of approval:

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

PLACES TO GROW: No concerns.

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 Core Greenlands designation identifies a flood plain area, but not in close proximity to the proposed severance. 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."

Regarding item c) the area currently taken up by the residential use on the farm is ± 0.34 ha (0.84 ac). The new lot would intrude into lands under cultivation by ± 0.46 ha (1.14 ac).

With respect to item d) the applicant has advised that they intend to build a new home to replace the existing 130 year old home and relocate it away from Wellington County Road 14. This would be a desirable outcome. As a result, we are satisfied that the application meets the intent of the surplus farm dwelling policy criteria above and that 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 owned by Marlin and Karen Martin, the farm operators who will be taking on the vacant farm lands. As a result, we are satisfied 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.

WELL HEAD PROTECTION AREA: The subject lands are not within a Well Head Protection Area.

LOCAL ZONING BY-LAW: The subject lands are zoned Agricultural (A) and Natural Environment (NE). A zoning by-law amendment would be necessary to restrict residential development on the retained lands. Further zoning relief is required to allow an existing shed and garage on the severed lands with a combined lot coverage of 222.6 sq. m (2,396 sq. ft.), whereas the by-law allows 92.9 sq. m (1,000 sq. ft.)

SITE VISIT INFORMATION: The subject property was visited and photographed on September 12, 2016. Notice Cards were posted and the survey sketch appears to meet the application requirements.

Sarah Wilhelm, MCIP, RPP, Senior Planner
September 15, 2016

400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6
Phone: 519.621.2761 **Toll free:** 866.900.4722 **Fax:** 519.621.4844 **Online:** www.grandriverca

RECEIVED
SEP 21 2016
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

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

DATE: September 19, 2016 **YOUR FILE:** B62/16
GRCA FILE: B62-16 8949 Wellington Road 14 (Samuel & Buehler)

RE: **Application for Consent B62/16**
Part Lot 1, Concession 7, Township of Wellington North (West Luther)
8949 Wellington Road 14
Chris Samuel and Dana Buehler

GRCA COMMENT: *

The Grand River Conservation Authority (GRCA) has no objection to the proposed severance of a 0.8 hectare lot with existing and proposed rural residential uses.

BACKGROUND:

1. **Resource Issues:**

   Information currently available at this office indicates that the retained parcel contains watercourses, floodplain and the allowance adjacent to these features.

   The lands to be severed do not contain any features of interest to the GRCA.

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

   Due to the presence of the above-noted features, a portion of the retained parcel is regulated by the GRCA under Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

   Although a regulation limit is not illustrated adjacent to a portion of the watercourse on the attached mapping, please note that the watercourse and 15 metres on each side of the watercourse is regulated by the GRCA.

3. **Additional Information/Suggestions provided in an advisory capacity:**

   This application is a minor consent application and the applicable plan review fee is $380.00. With a copy of this correspondence, the applicant will be invoiced in the amount of $380.00 for our review of the application.

Member of Conservation Ontario, representing Ontario's 36 Conservation Authorities ▪ The Grand – A Canadian Heritage River

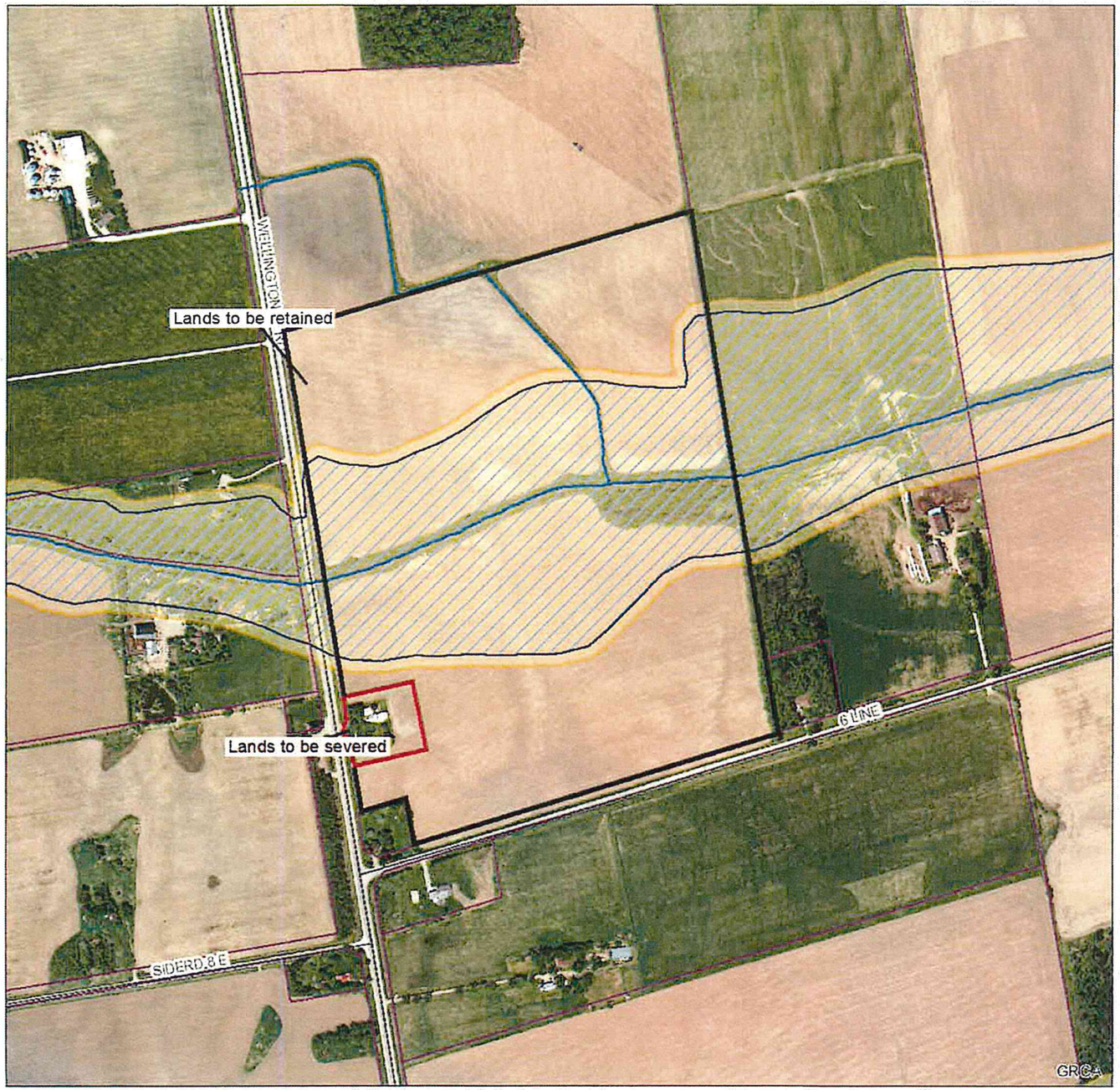
Should you have any questions or require additional information, please contact me at 519-621-2763 ext. 2236.

Yours truly,

Nathan Garland
Resource Planner
Grand River Conservation Authority
NG/ah

* ***These comments are respectfully submitted to the Committee and reflect the resource concerns within the scope and mandate of the Grand River Conservation Authority.***

cc: Township of Wellington North
Chris Samuel & Dana Buehler – 8949 Wellington Road 14, R.R.#4 Kenilworth, ON N0G 2E0



Map Centre (UTM NAD83 z17): 536,618.65 4,861,378.13

This map is not to be used for navigation

Grand River Conservation Authority

Date: Sep 12, 2016

Author: ah

B62/16

Notes

Legend

- Regulation Limit 2014 (GRCA)
- Drainage - Network (GRCA)
- Drainage - Polygons (GRCA)
- Wetland (GRCA)
- Wetland (MNRF)
  - Provincially Significant
  - Locally Significant
  - Unevaluated
- Floodplain (GRCA)
  - Engineered
  - Estimated
  - Approximate
  - Special Policy Area
- Slope Valley (GRCA)
  - Steep
  - Oversteep
- Slope Erosion (GRCA)
  - Steep
  - Oversteep
  - Toe
- Parcel - Assessment (MNRF/MPAC)
- Park (GRCA)
- Aquatic Resource - Line (MNRF)
  - Cold Water
  - Cool Water
  - Warm Water
  - Unknown
- Utility Line (ON)
- Roads (ON)
- Railway (ON)

GRCA Disclaimer

This map is for illustrative purposes only. Information contained herein 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 https://maps.grandriver.ca/Sources-and-Citations.pdf

0 40 80 160 240 Metres

N

NAD 1983 UTM Zone 17N

Scale: 7,047

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

September 26, 2016

Deborah Turchet
Secretary Treasurer
Land Division
County of Wellington

RE: **Application for Consent B62/16**
Chris Samuel & Dana Buehler
Part Lot 1, Concession 7,
Township of Wellington North, County of Wellington

Dear Deborah:

The County of Wellington Roads Department will require a conveyance of 17' along Wellington Road 14 of the lands to be severed for future road widening purposes.

The landowner has proposed to demolish the existing home that is located inside the requested widening conveyance. In the event that its removal is not completed within the Notice of Decision Conditions of Approval deadline, the County of Wellington Roads will require the landowner solicitor is to provide an Undertaking statement that the widening will be provided once the home has been removed.

Entrance condition not required for this application.

Sincerely,

Pasquale Costanzo
Technical Services Supervisor

RECEIVED
SEP 26 2016
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE