

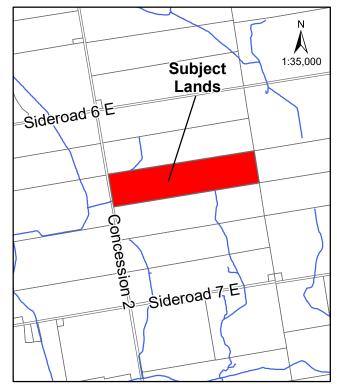
COUNTY OF WELLINGTON LAND DIVISION

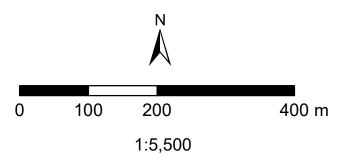
B77-21

Applicant: Mary & Paul Bolen

Township of Wellington North 9131 Concession 2

(Arthur Township)





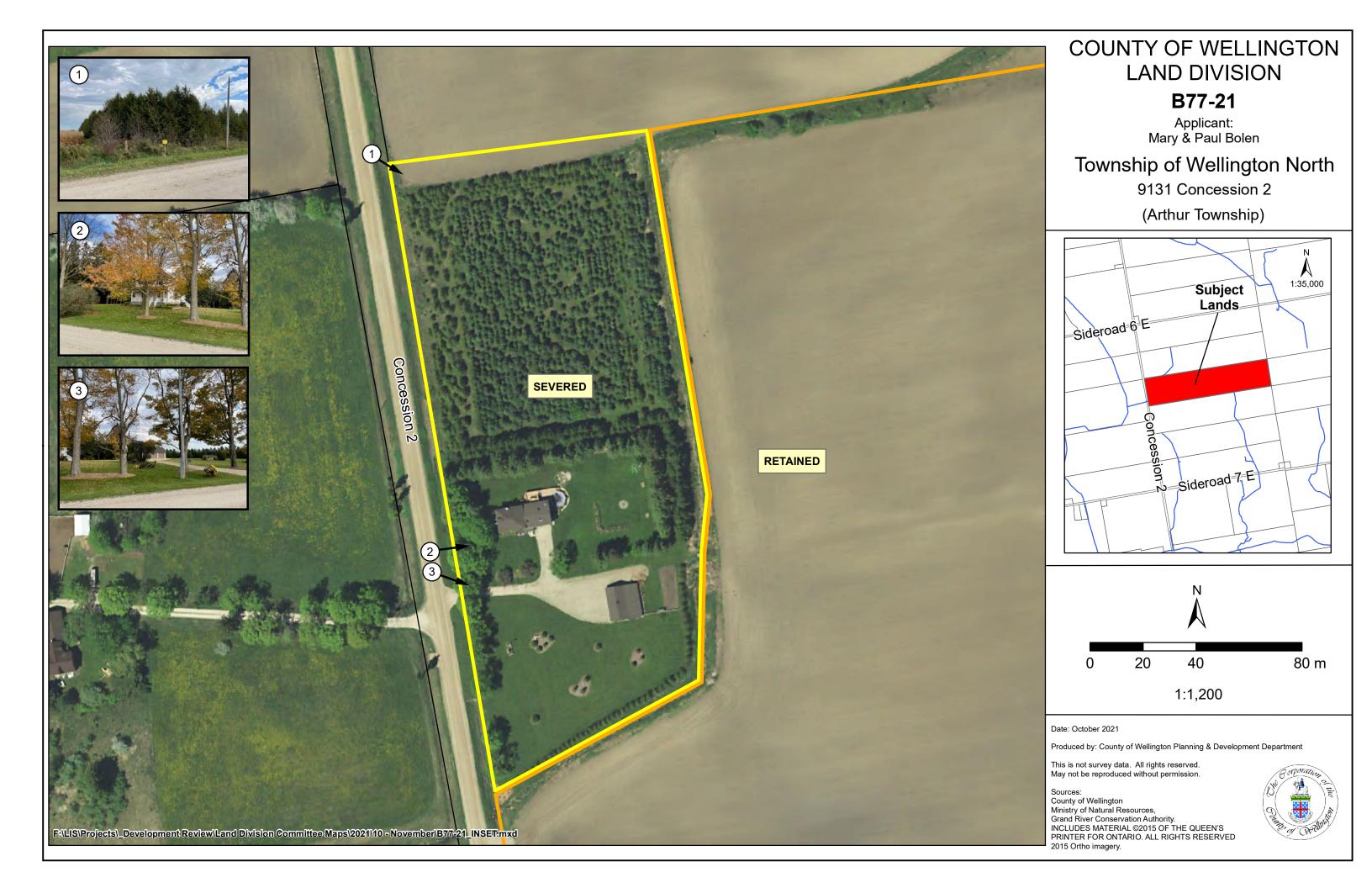
Date: October 2021

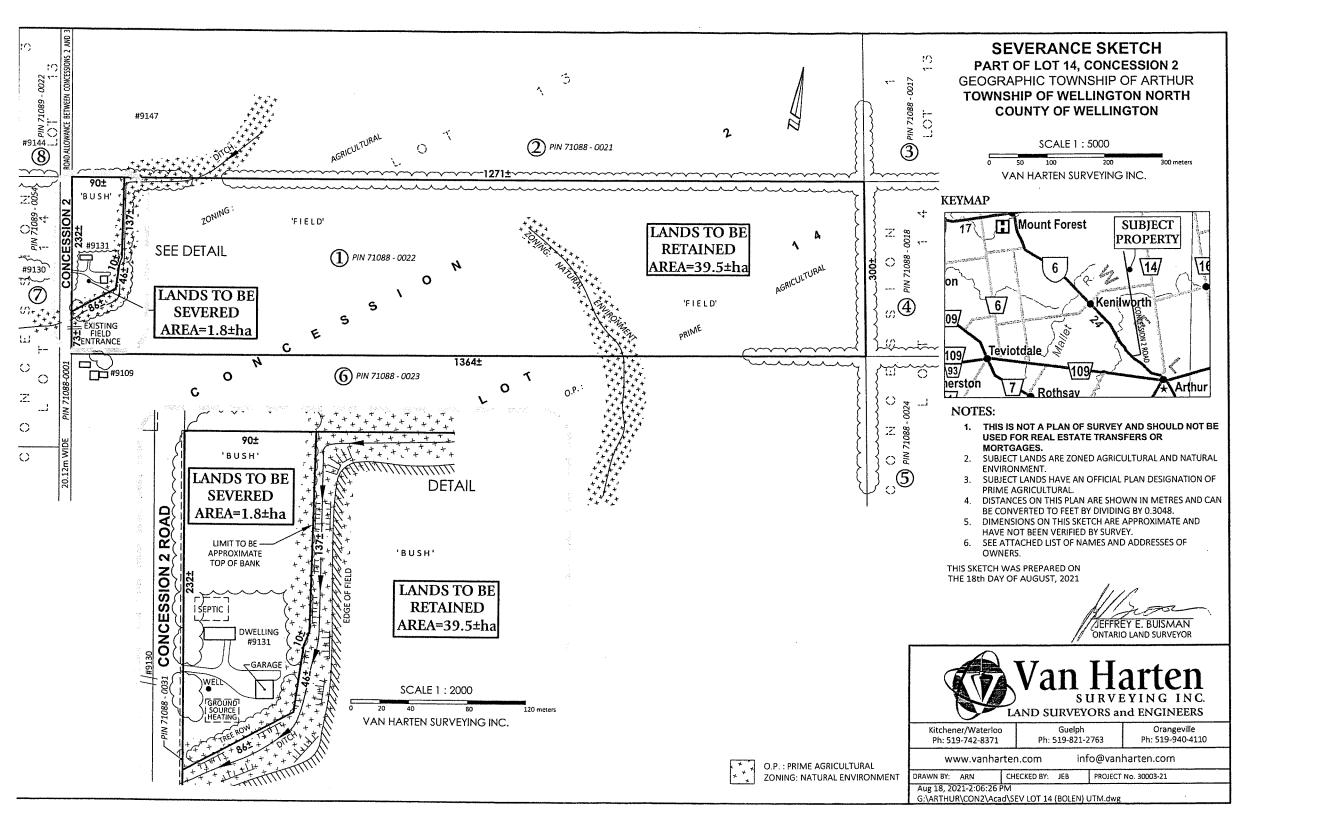
Produced by: County of Wellington Planning & Development Department

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Sources:
County of Wellington
Ministry of Natural Resources,
Grand River Conservation Authority.
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REPORT SUMMARY

OWNER, APPLICANT or AGENT SHOULD ATTEND THE CONSIDERATION OF THIS APPLICATION NOTE: IF EXPEDITED ATTENDANCE NOT REQUIRED BEFORE THE LAND DIVISION COMMITTEE. SIGN AND RETURN 'AGREEMENT TO CONDITIONS' LETTER IMMEDIATELY.

Date of Consideration:

11/18/2021

EXPEDITED

File Number:

B77-21

Applicant:

Mary & Paul Bolen

Subject Lands:

Township of Wellington North (Arthur Twp) - Part Lot 14, Concession 2

Proposal is a request for consent to convey fee simple for a proposed surplus farm dwelling rural residential lot 1.8 ha, existing dwelling and garage; retained being 39.5 ha

SUMMARY of FILED REPORTS and COMMENTS:

Planning Review notice cards were posted at time of site visit; application is consistent with Provincial Policy and

conforms to Official Plan for surplus farm dwelling policies; staff have been provided with a farm information form which demonstrates this would constitute a farm consolidation; no concerns:

conditions to be addressed

Township of Wellington North

in support of application; complies with zoning; conditions to apply

Grand River CA staff do not anticipate any negative impacts to the watercourse as a result of the proposed

consent application; no objections

Miscellaneous Jeff Buisman, agent cover letter

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".

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 B77-21.

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.

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) as well as a digital PDF copy to the secretary-treasurer of the Planning and Land Division Committee.

THAT the Owner receive zoning compliance and classification from the Township of Wellington North 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 Township of Wellington North 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.

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 \$130.00 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.

7) **THAT** the Owner satisfy the requirements of the Township of Wellington North in reference to parkland dedication fee be \$1,000.00/lot or part lot created, in 2021; (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.

THAT the Owner enter into an agreement apportioning future maintenance costs on the Lehman Drain, located on the property; and the owner shall provide a \$500.00 deposit to cover the cost of the reapportionment of the above mentioned drain; 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** driveway access can be provided to the retained lands to the satisfaction of the Township of Wellington North; 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.

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

October 28, 2021

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 B77-21

APPLICANT

Mary & Paul Bolen 9131 Concession 2 RR#2 Kenilworth N0G 2E0 **LOCATION OF SUBJECT LANDS**

Township of Wellington North (Arthur Twp)
Part Lot 14
Concession 2

Proposed severance is 1.8 hectares with 232m frontage, existing and proposed rural residential use with existing dwelling & garage.

Retained parcel is 39.5 hectares with 73m frontage, existing and proposed agricultural use.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY**, **NOVEMBER 18**, **2021** for the purpose of considering this **EXPEDITED APPLICATION**.

CONSIDERATION WILL BE HELD IN THE:

Council Chambers

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.

<u>Please also be advised</u> 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 Land Tribunal 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.

<u>Additional Information</u> 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:

- ⇔ Council and Standing Committees
- ⇒ Agenda & Minutes
- ⇒ Select Land Division Committee
- ⇒ choose month & year in drop down menus
- ⇒ open appropriate agenda

To: Van Harten Surveying Inc. - c/o Jeff Buisman



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



OCT 2 0 2021

Application Location

B77/21

Part Lot 14, Concession 2

SECRETARY TREASURER WELLINGTON COUNTY AND DIVISION COMMITTEE

TOWNSHIP OF WELLINGTON NORTH (ARTHUR TWP)

Applicant/Owner

Mary & Paul Bolen

PLANNING OPINION: This application would sever a 1.8 ha (4.44 ac) rural residential parcel with an existing dwelling and garage. A vacant 39.5 ha (97.6 ac) agricultural parcel would be retained. This application is being submitted under the surplus farm dwelling policies.

This application is consistent with Provincial Policy and would generally conform to the Official Plan. We have no concerns provided the following matters are addressed as conditions of

- a) That driveway access can be provided to the retained lands to the satisfaction of the appropriate road authority; and
- That the retained lands be rezoned to restrict residential development to the satisfaction of the local municipality and the County of Wellington Planning and Development Department.

PLACES TO GROW: No issues

PROVINCIAL POLICY STATEMENT (PPS): Section 2.3.4.1 states "Lot creation in prime agricultural areas is discouraged and may only be permitted for:

- a) Agricultural uses, provided lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) Agricultural-related uses, provided that any new lots will be limited to a minimum size needed to accommodate the use an appropriate sewage and water services;
- c) a residence surplus to a farming operation...; and
- d) Infrastructure, where the facility or corridor cannot be accommodated through the use of easements or right-of-ways.'

Section 2.3.4.1 c) further states that "the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farm land created by the severance."

With regards to Minimum Distance Separation (MDS), the setback applicable to surplus farm dwelling severances are only applied to livestock structures that remain with the retained, agricultural lands.

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:

- the remaining vacant farmland is large enough to function as a significant part of the overall farm unit: and
- the result of removing the surplus dwelling from the farm does not render the remaining farmlands difficult or inefficient to farm, and
- 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
- the surplus residence is habitable and is not expected to be demolished by a future owner: and
- the Minimum Distance Separation formula will be met; and e)
- 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 owned by the applicants, which demonstrates that this application would constitute a farm consolidation.

WELL HEAD PROTECTION AREA: The subject property is not located within a WHPA.



LOCAL ZONING BY-LAW: The subject property is currently zoned Agricultural (A) Zone and Natural Environment (NE). Section 8.2.1 b) permits for new lots created by consent, shall be deemed to comply with the lot frontage and lot area regulations of Section 8.21 and 8.22. Therefore, both the severed and retained parcel meet the minimum lot area and frontage requirements of the Agricultural (A) zone.

SITE VISIT INFORMATION: The subject property was visited and photographed on October 20th, 2021. Notice Cards were posted and the survey sketch appears to meet the application requirements

Jessica Rahim Senior Planner October 20, 2021

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: B77-21

APPLICANT

Mary & Paul Bolen 9131 Concession 2 RR#2 Kenilworth N0G 2E0 **LOCATION OF SUBJECT LANDS**

Township of Wellington North (Arthur Twp)

Part Lot 14 Concession 2

Proposed severance is 1.8 hectares with 232m frontage, existing and proposed rural residential use with existing dwelling & garage.

Retained parcel is 39.5 hectares with 73m frontage, existing and proposed agricultural use.

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER:

23-49-000-008-05800-0000

Does this description reasonably describe the parcel holdings?			YES:	Х	NO:			
If answer is no, please provide new information:								
Do you consider this proposal to conform to your Official Plan?			YES:		NO:		TS	
What Section(s) does it conform to or contravene? (Please specify)								
								DEPARTMENTS
								1 1
Will the Severed Parcel comply with all requirements of the Zoning By-law?			YES:	x	NO:		PLANNING	
(Please Specify) Sections 8 and 30 of Zoning By-law 66-01								PLA
Will the Retained Parcel comply with all requirements of the Zoning By-law?			YES:	x	NO:		BUILDING &	
(Please Specify) Sections 8 and 30 of Zoning By-law 66-01								
If Necessary, would the Municipality be prep Amendment to the Zoning By-Law to permit conform?	pared to consider an it the proposal to	YES:	×	NO:		NA:		189
	Or Minor Variance	YES:		NO:		NA:		
Is proposal on an opened maintained year-round public road?			YES:	Х	NO:		ROADS	
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:	Х		
Is the Retained Lot serviced now by Municipal Water?			YES:		NO:	X		
Is the Proposed Lot(s) serviced now by Municipal Sewers?			YES:		NO:	Х	WATER	
Is the Retained Lot serviced now by Municipal Sewers?			YES:		NO:	Х	WA	
Is there a Capital Works Project underway to service these lots in the near future?			YES:		NO:	Х		
Approximate Time of Servicing Availability:								
Are there any other servicing arrangements, Municipal easements or Municipal Drains on the subject lands?								SAIN
Lehman Drain								VORKS/ / DRAIN
								NO.



OCT 1 3 2021

SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Continue to Page 2

MUNICIPALITY COMMENTING FORM

FILE NO: B77-21

	lity's Building Official satisfied that there is a sufficient site on cel for individual well and septic services?	YES:	х	NO:					
						9/			
						BUILDING			
	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 Municipalit	ty in support of this application?	YES:	X	NO:					
						COUNCIL			
What Conditions	, if any, are requested by the Municipality if the Consent is granted?				rav				
THAT th	e Owner satisfy all the requirements of the local municipality, financi	al and c	therwis	e (inclu	ded but	t not			
limited to is applica Wellingto	o Taxes paid in Full; a Fee of \$130.00 for Township Clearance Letter able at the time of clearance under the municipal Fees and Charges on North may deem to be necessary at the time of issuance of the Cond orderly development of the subject lands;	of cond by-law)	ditions which t	– or wh he Tow	atever	fee			
dedication	e Owner satisfy the requirements of the Township of Wellington Nor on fee be \$1,000/lot or part lot created, in 2021; (or whatever fee is a e municipal Fees and Charges by-law) as provided for in the Plannir	pplicabl	e at the	time of	and cleara	nce			
THAT th on the pr	e owner enter into an agreement apportioning future maintenance coroperty; and the owner shall provide a \$500.00 deposit to cover the coentioned drain.	osts on	the Lehi	man Dr	ain, loc ment o	ated f the			
THAT dr North; ar	iveway access can be provided to the retained lands to the satisfact	ion of th	e Town	ship of	Welling	iton			
THAT th municipa	e retained lands be rezoned to restrict residential development to the ality and the County of Wellington Planning and Development Depart	e satisfa ment.	ction of	the loc	al				
				·····					
						-			
Doos the Municip	politica process a Nation of the Device of			T		1			
Does the Municip	pality request a Notice of the Decision?	YES:	Х	NO:					
SIGNATURE:	Jammy D.								
TITLE:	TITLE: DEVELOPMENT CLERK								
ADDRESS:	DDRESS: P.O. BOX 125, 7490 SIDEROAD 7 W., KENILWORTH, ON, NOG 2E0								
DATE:	Oct 11 2021								



Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: www.grandriver.ca

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

DATE: October 19, 2021 YOUR FILE: B77-21

RE: **Application for Consent B77-21**

9131 Concession 2, Township of Wellington North

Mary & Paul Bolen

OCT 2 0 2021

SECRETARY TREASURER

GRCA COMMENT:*

WELLINGTON COUNTY The Grand River Conservation Authority (GRCA) has no objection to the above motion COMMITTEE consent application.

BACKGROUND:

Resource Issues:

Information currently available at this office indicates that the retained parcel contains watercourses and the regulated allowance adjacent to the watercourses.

The lands to be severed contain the regulated allowance adjacent to a watercourse.

2. Legislative/Policy Requirements and Implications:

The severed parcel is developed with rural residential uses and the existing agricultural uses will continue on the retained lands. As such, GRCA staff do not anticipate any negative impacts to the watercourse as a result of the proposed consent application.

Due to the presence of the above-noted features, portions of the subject lands are 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 areas will require prior written approval from the GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

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

We wish to acknowledge receipt of the applicable plan review fee in the amount of \$430.00 for the processing of this application.

We trust the above information is of assistance. Should you have any further questions, please contact me at 519-621-2763 ext. 2228.

Yours truly,

Andrew Herreman, CPT

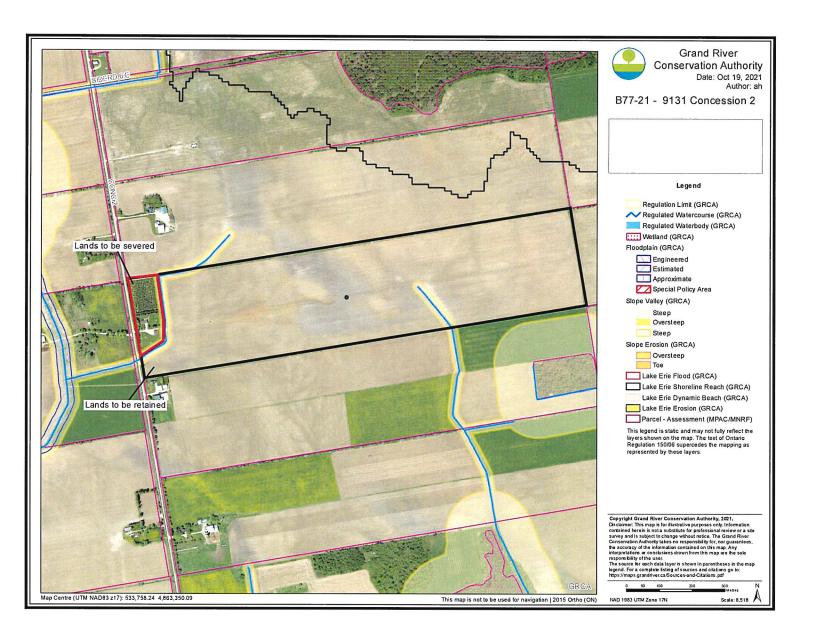
Resource Planning Technician

Grand River Conservation Authority

Encl (1)

c.c. Mary & Paul Bolen (via email only)
Jeff Buisman, Van Harten Surveying Inc. (via email only)
Township of Wellington North (via email only)

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





LAND SURVEYORS and ENGINEERS

September 1, 2021 30003-21 Jeff.Buisman@vanharten.com

County of Wellington Land Division Committee 74 Woolwich Street Guelph, Ontario N1H 3T9

Attention: Ms. Deborah Turchet

Dear Ms. Turchet:

Re: Surplus Farm Residence Severance Application and Sketch 9131 Concession 2 Part of Lot 14, Concession 2 PIN 71088-0022 **Township of Arthur**

Township of Wellington North

Please find enclosed an application for a Surplus Farm Residence Severance on the above-mentioned property. Included with this submission are copies of the Severance Sketch, completed application form, required deeds, PIN report and map, addresses of neighbouring properties, Farm Information Form, a cheque to the GRCA for \$430.00, and a cheque to Wellington County for \$4,630.00.

Proposal:

The proposal is to sever a surplus farm dwelling from the rest of the agricultural farm parcel. The proposed Severed Parcel has a width of 232±m, depth of 90±m for an area of 1.8±ha where the existing dwelling and garage will remain. The parcel was configured around the existing buildings, driveway, ground source heating, septic, well, trees and natural features.

The parcel was configured to follow the top of bank so that all of the ditch will remain on the retained (farm) parcel. A tree row will remain on the severance side. No agricultural land will be taken with the severance. Although the severed parcel is slightly larger than a typical surplus severance, it is practical given the natural features and the bush area to the north that is not part of the farm land. The zoning requirements are met for the severed parcel.

The Retained Parcel has an area of approximately 39.5±ha and is used by the intended purchasers as part of a large-scale agricultural farming operation known as Brian & Wendy Smith Farms Ltd. The Retained Parcel is vacant, will continue to be used for agricultural purposes and the zoning requirements are met for the retained parcel.

572 Weber Street North, Unit 7 Waterloo ON N2L 5C6 519-742-8371

> Elmira, ON: 519-669-5070

423 Woolwich Street Guelph ON N1H 3X3

519-821-2763

660 Riddell Road, Unit 1 Orangeville, ON L9W 5G5 519-940-4110

> Collingwood, ON. 249-499-8359

www.vanharten.com



The frontage of the Retained Parcel will be 73±m instead of the minimum 122m as required in the Zoning By-law; however, it is deemed to comply with the Zoning By-law as it is the result of a consent process – see Section 8.2.1.b) of the Zoning By-law. The frontage will continue to provide safe access to the retained parcel using the existing field entrance.

This type of severance meets the key requirements of Section 10.3.4 of the Wellington County Official Plan for surplus farm residence severances. The key requirements for a "Surplus Residence Severance" which have been met and are described below:

First, there must be a Bona Fide Farmer for the farmland. Brian and Wendy Smith are the intended purchasers, and they will farm this property as part of their larger operations known as Brian & Wendy Smith Farms Ltd. The Farm Information Form shows that Brian & Wendy Smith Farms Ltd. has a number of farm properties in the area.

Second, the retained agricultural lands are to be rezoned to prohibit a residential use. A zone change application will be submitted for this.

Third, the severed surplus parcel is to be no larger than the area of residence and not disrupt the farming operation. The proposed severed parcel has an area of 1.8ha and has been configured around the existing dwelling, garage, septic, ground source heating, trees, bush, and natural features. The proposed lot line runs along the top of bank so that all of the ditch remains on the retained farm. The proposed lot configuration is logical in light of the constructed and topographic features.

Please call me if you or the Planning Staff have any questions.

Very truly yours,
Van Harten Surveying Inc.

Jeffrey E. Buisman B.E.S, B.Sc.

Ontario Land Surveyor

cc Mary Lou & Paul Bolen