



COUNTY OF WELLINGTON
LAND DIVISION

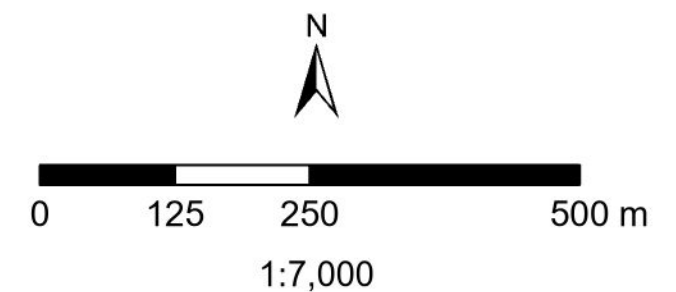
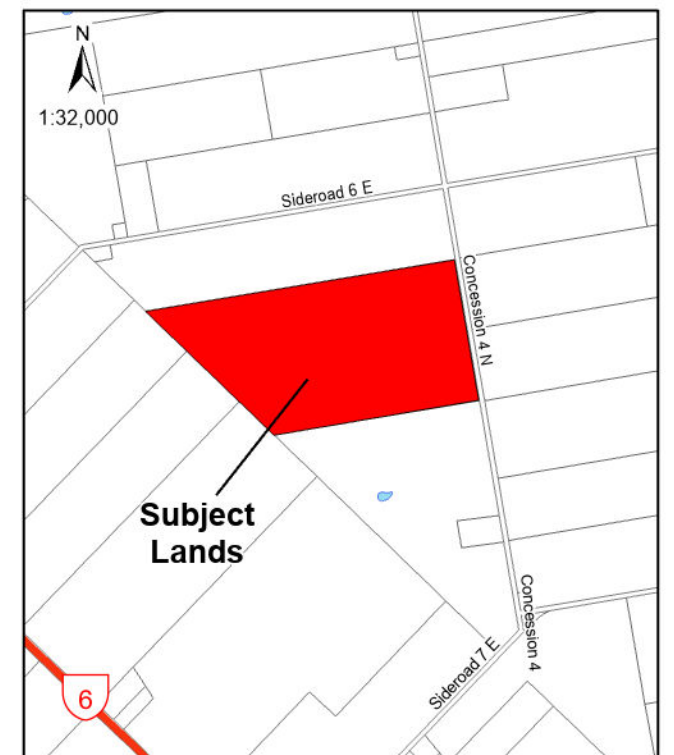
B68-23

5043449 Ontario Inc.

Township of Wellington North

9148 Concession 4 N

(Arthur Township)



Date: October 2023

Produced by: County of Wellington Planning & Development Department 2023

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Sources:
County of Wellington
Teranet 2002
Ministry of Natural Resources and Forestry,
Grand River Conservation Authority.
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PROJECT No.: 23-9892 SPEER

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: 12/07/2023 **EXPEDITED**
File Number: B68-23
Applicant: 5043449 Ontario Inc. - Attn: Ron Speer
Subject Lands: Township of Wellington North (Arthur Twp) - Part Lots 13 & 14, Concession 5

Proposal is a request for consent to convey fee simple for a proposed agricultural parcel 33 ha; retained agricultural parcel being 33 ha with existing dwelling and barn

ISSUES: none

SUMMARY of FILED REPORTS and COMMENTS:

Planning Review	applicant provided photos of signs posted; application is consistent with Provincial Policy and conforms to Official Plan - Prime Agricultural; staff is satisfied there is sufficient space to site a 0.5 ha building envelope or larger in compliance with MDS 1; no concerns
Township of Wellington North	in support of application; severed and retained comply with zoning; conditions to apply
Grand River CA	no objections; sever property into two agricultural parcels for continued agricultural use; Note - if any future upgrades to culvert proposed - GRCA staff will need to review.

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 a signed 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
- 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) as well as a digital PDF copy 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 \$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.
- 6) **THAT** the Owner satisfy the requirements of the Township of Wellington North in reference to parkland dedication consistent with By-Law 011-22; 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 enter into an agreement apportioning any future maintenance costs on any municipal drain impacted by the application, and the owner shall provide a \$500.00 deposit to cover the cost of the reapportionment if it is determined there are municipal drains impacted by the application and a \$250.00 fee for the Drainage Superintendent's review of the application to determine status of any 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.
- 8) **THAT** driveway access can be provided to the retained and severed 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.

*****Conditions may be deleted, added to, or changed at meeting*****

November 23, 2023

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 B68-23

APPLICANT

5043449 Ontario Inc. - Attn: Ron Speer
PO Box 100
Mount Forest N0G 2L0

LOCATION OF SUBJECT LANDS

Township of Wellington North (Arthur Twp)
Part Lots 13 & 14
Concession 5

Proposed severance is 33 hectares with 331.88m frontage, existing and proposed agricultural use.

Retained parcel is 33 hectares with 269.9m frontage, existing and proposed agricultural use with existing dwelling and barn.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, DECEMBER 07, 2023** 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 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.**

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**
- ⇒ **Agenda & Minutes**
- ⇒ **Select Land Division Committee**
- ⇒ **choose month & year in drop down menus**
- ⇒ **open appropriate agenda**

To: 5043449 Ontario Inc. - Attn: Ron Speer
Wilson-Ford Surveying & Engineering - c/o Greg Ford



RECEIVED

NOV 15 2023

SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Application Location B68/23
Part of Lots 13 & 14, Concession 5
TOWNSHIP OF WELLINGTON NORTH (Arthur Twp)
Applicant/Owner 5043449 Ontario Inc c/o Ron Speer

PLANNING OPINION: This application would sever a 33 ha (81.5 ac) vacant agricultural parcel in the Prime Agriculture Area for proposed agricultural use. A 33 ha (81.5 ac) agricultural parcel will be retained for agricultural use with an existing dwelling, and barn.

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 approval:

- That servicing on the retained lands can be accommodated to the satisfaction of the Township; and,
- That driveway access can be provided to the severed lands to the satisfaction of the appropriate road authority.

A PLACE TO GROW (2020): The Growth Plan for the Greater Golden Horseshoe, 2019, came into effect on May 16, 2019. The result of changes to the Growth Plan means the natural heritage system policies and the agricultural system mapping will not apply until fully incorporated into the County's Official Plan. All planning decisions are required to conform with the Growth Plan.

PROVINCIAL POLICY STATEMENT (PPS): New lots in the Prime Agricultural areas are discouraged and may only be permitted in the specific circumstances described in section 2.3.4.1 including for agricultural uses, 'provided that the 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' (Section 2.3.4.1.a).

Regarding Minimum Distance Separation, the MDS Guidelines recognize that where a larger lot is created without an existing dwelling, a suitable location must be identified for a 0.5 ha building envelope outside of the MDS I setback. Given the size of the severed parcel, and the farm data sheet provided by the applicant for the retained lands, planning staff are satisfied that there is sufficient space to site a 0.5 hectare building envelope or larger in compliance with MDS I.

WELLINGTON COUNTY OFFICIAL PLAN: The subject property is designated as PRIME AGRICULTURE, CORE GREENLANDS and GREENLANDS. The identified environmental features include a wetland, Floodplain regulated by the GRCA, and significant woodlands. The proposed severed parcel includes a wetland and a small portion of hazard lands.

Section 10.3.2 of the Official Plan provides policy direction for agricultural lot creation in Prime Agricultural Areas. New Lots for agricultural uses will normally be a minimum of 35 hectares in size. The creation of new agricultural lots along original lots lines in the Township survey is encouraged. New agricultural lots may include lands within the Greenlands System where necessary to provide logical lot lines, provided that suitable building envelopes and new access routes are available outside of and a suitable distance from Core Greenlands and Greenland Features. Both the severed and retained lots are less than the minimum size.

The matters under Section 10.1.3 were also considered, including item h) 'that natural heritage features are not affected negatively', and k) 'that the size and shape of the proposed lot is suitable, including frontage, area and proportion of frontage to depth.'

LOCAL ZONING BY-LAW: The subject property is zoned Agriculture (A), and Natural Environment (NE) Zone. Both lots are less than the minimum farm size of 35 ha in the zoning by-law; however, section 8.2.1.b) would permit the reduced farm size. Both lots meet the minimum lot frontage requirements.

WELL HEAD PROTECTION AREA: The subject property is not located within Well Head Protection Area.

SITE VISIT INFORMATION: The subject property was visited and photographed on October 27th, 2023. Notice Cards were not posted but the applicant has since provided photos of the signs posted. The survey sketch appears to meet the application requirements.

Zach Prince RPP MCIP, November 15th, 2023

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: B68-23

APPLICANT

5043449 Ontario Inc. – Attn: Ron Speer
PO Box 100
Mount Forest N0G 2L0

LOCATION OF SUBJECT LANDS

Township of Wellington North (Arthur Twp)
Part Lots 13 & 14
Concession 5

Proposed severance is 33 hectares with 331.88 m frontage, existing and proposed agricultural use.

Retained parcel is 33 hectares with 269.9 m frontage, existing and proposed agricultural use with existing dwelling and barn.

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER: 23-49-000-008-11400-0000

Does this description reasonably describe the parcel holdings?		YES:	X	NO:		BUILDING & PLANNING DEPARTMENTS		
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:	X	NO:		ROADS		
(Please Specify) Section 8 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:			NA:	X
Or Minor Variance		YES:		NO:			NA:	X
Is proposal on an opened maintained year-round public road?		YES:	X	NO:		WATER		
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:	X	WORKS / DRAIN		
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:	X			
Approximate Time of Servicing Availability:								
Are there any other servicing arrangements, Municipal easements or Municipal Drains on the subject lands?								
To be determined								

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NOV 07 2023

SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

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Administration Centre: 400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4844 www.grandriver.ca

November 14, 2023

via email

GRCA File: B68-23 – 9148 Concession 4 North

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

Dear Ms. Turchet,

Re: Application for Consent B68-23
9148 Concession 4 North, Township of Wellington North
5043449 Ontario Inc.

RECEIVED
NOV 15 2023

SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted consent application for the creation of an agricultural parcel.

Recommendation

The Grand River Conservation Authority (GRCA) has no objection to the proposed consent application.

GRCA Comments

GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as a regulatory authority under Ontario Regulation 150/06, and as a public body under the *Planning Act* as per our CA Board approved policies.

Information currently available at this office indicates that the retained parcel contains watercourses, floodplain, wetlands, and the regulated allowance adjacent to these features. The severed parcel contains a watercourse, floodplain, wetlands, and the regulated allowance adjacent to these features. A copy of GRCA's resource mapping is attached. Portions of the subject lands are also designated as part of the Greenlands System in the County of Wellington Official Plan (2023).

Due to the presence of the features noted above, 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 area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

The proposed consent application will sever the property into two agricultural parcels for continued agricultural use. As the agricultural uses will continue on both parcels, impacts to the natural hazard features are not anticipated as a result of this application.

The proposed severance will create an area that is surrounded by the watercourse along the northern property line of the severed parcel. It is our understanding that this area can be accessed from an existing culvert that is adequate for agricultural equipment. If any future upgrades to this culvert are proposed, GRCA staff will need to review the proposed upgrades to determine submission requirements for a complete GRCA permit application.

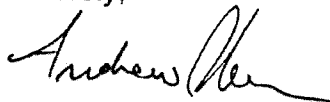
We wish to acknowledge receipt of the applicable plan review fee in the amount of \$465.00 for GRCA's review of this application.

For Municipal Consideration

Please be advised that on January 1, 2023, a new Minister's regulation (Ontario Regulation 596/22: Prescribed Acts – Subsections 21.1.1 (1.1) and 21.1.2 (1.1) of the Conservation Authorities Act) came into effect. As a result, non-mandatory technical review services that the GRCA formerly provided under agreement with some municipalities (e.g., technical reviews related to natural heritage and select aspects of stormwater management) will no longer be provided.

Should you have any questions, please contact me at 519-621-2763 ext. 2228 or aherreman@grandriver.ca.

Sincerely,



Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

Enclosed: GRCA Mapping

Copy: 5043449 Ontario Inc. c/o Ron Speer (via email)
Greg Ford, Wilson-Ford Surveying and Engineering (via email)
Township of Wellington North (via email)

