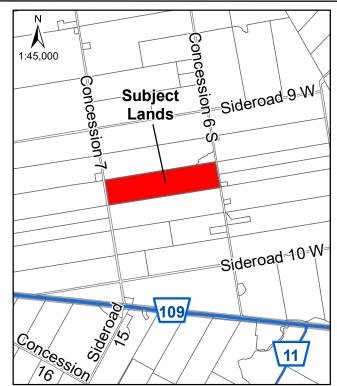


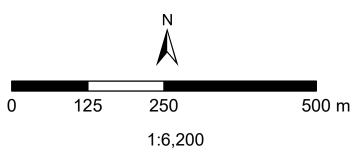
COUNTY OF WELLINGTON LAND DIVISION

B36-21

Applicant:
Lavolit Limited/Von Westerholt Farms Ltd.

Township of Wellington North 8652 Concession Rd 6 S (Arthur Township)





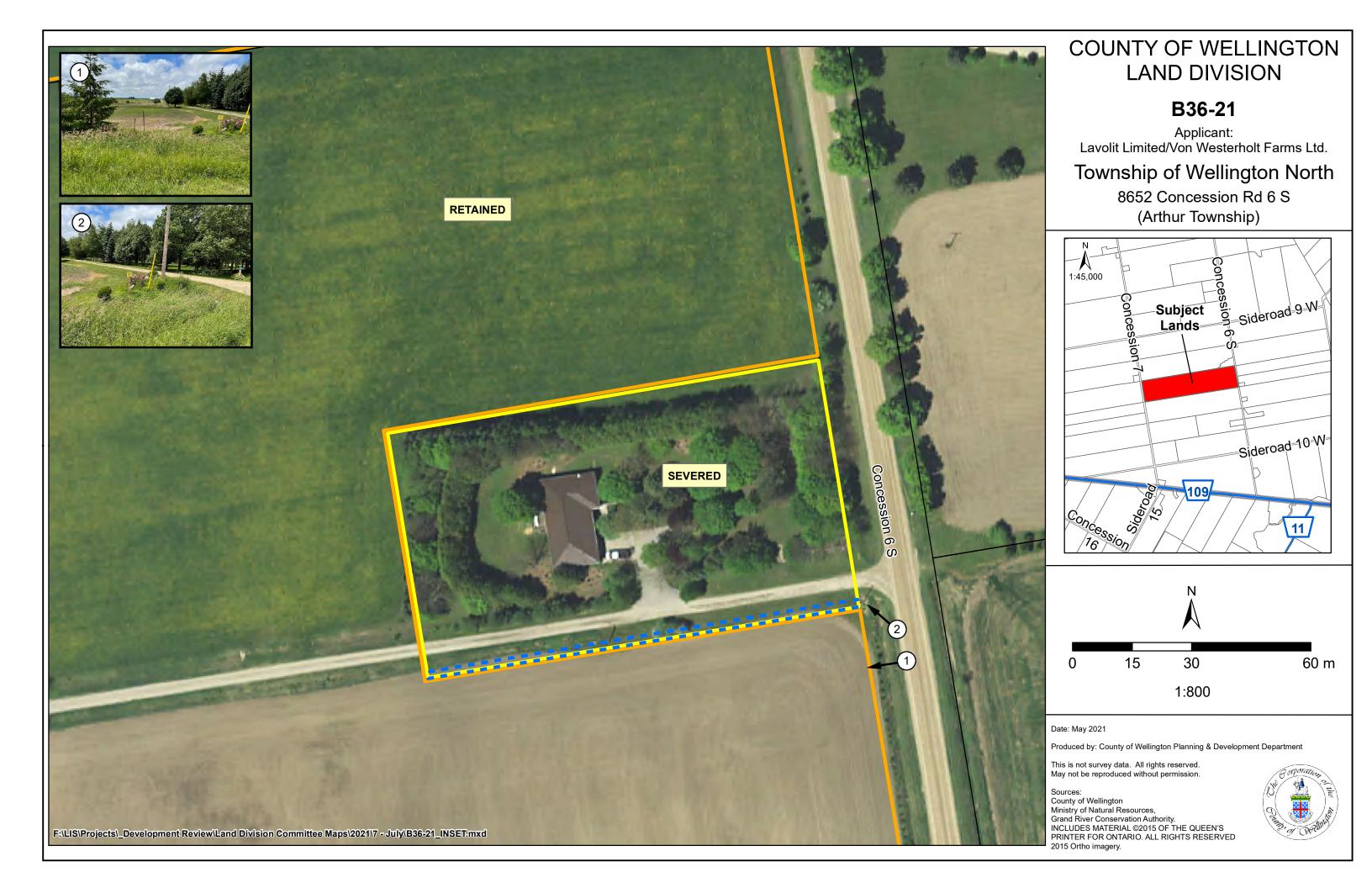
Date: May 2021

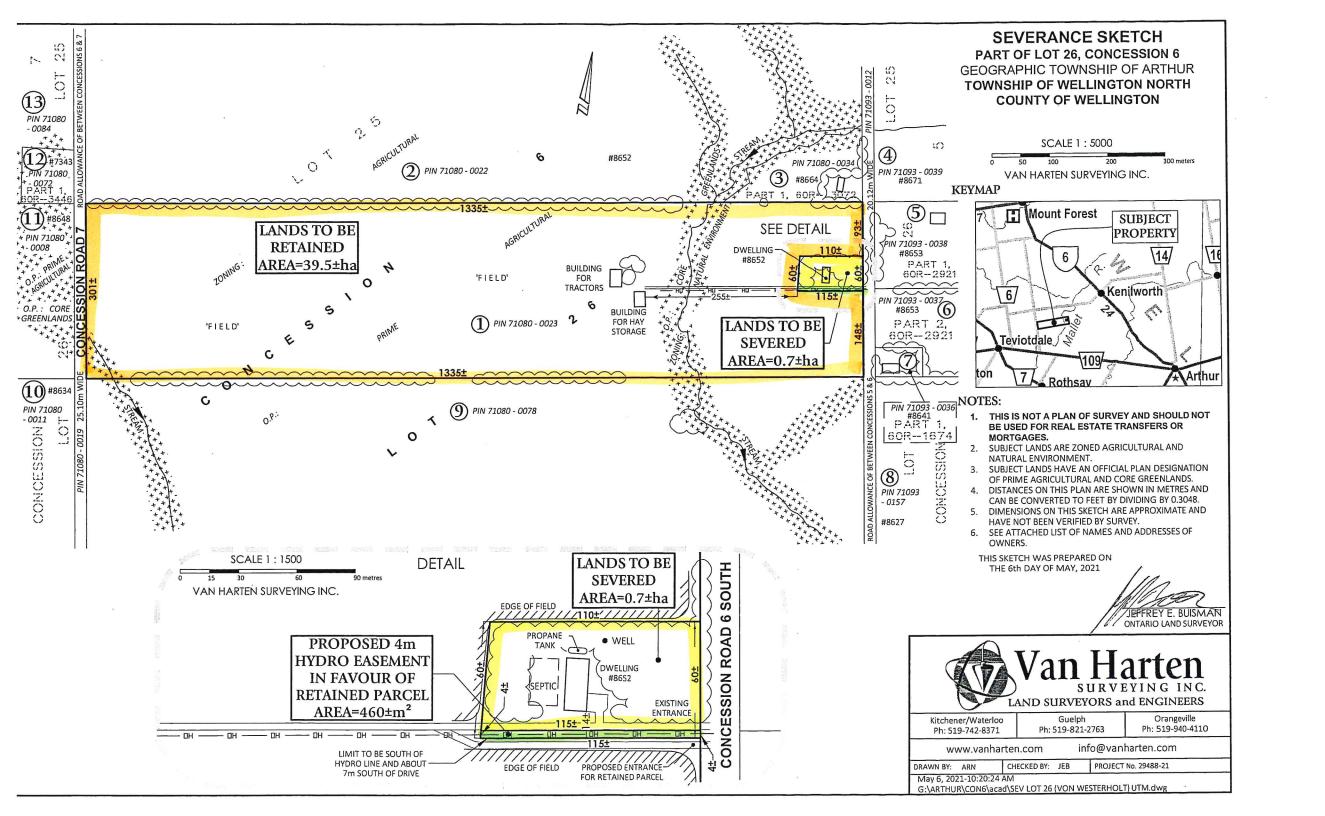
Produced by: County of Wellington Planning & Development Department

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Sources:
County of Wellington
Ministry of Natural Resources,
Grand River Conservation Authority.
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PRINTER FOR ONTARIO. ALL RIGHTS RESERVED
2015 Ortho imagery.







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:

07/22/2021

EXPEDITED

File Number:

B36-21

Applicant:

Lavolit Ltd/Von Westerholt Farms Ltd.

Subject Lands:

Township of Wellington North (Arthur Twp) - Part Lot 26

Concession 6

Proposal is a request for consent to convey fee simple for a proposed Surplus Farm Dwelling rural residential lot 0.7 ha, 60m fr, Together with a hydro easement in favour of the retained parcel; retained 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 generally conforms to Official Plan; application submitted under surplus farm dwelling policies staff have been provided with farm information form including a list of other farm holdings owned by the applicants which demonstrates this application would constitute a farm consolidation; staff have received photos of accessory structures from the agent and are satisfied the structures are not used to house livestock; conditions to apply

Township of Wellington North

in support of application, complies with zoning; building official is satisfied there is sufficient site

on the severed for individual well and septic services; conditions to apply

Grand River CA

no objection to application; staff do not anticipate any negative impacts to the natural hazard and natural heritage features as a result of the proposed severance.

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 B36-21.
- 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 driveway access can be provided to the retained lands to the satisfaction of the local municipality; 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.
- 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.
- THAT the Owner satisfy the requirements of the Township of Wellington North in reference to parkland dedication of \$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.
- 9) **THAT** MDS compliance is achieved for the agricultural buildings on the retained lands to the satisfaction of the local municipality; 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

July 8, 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 B36-21

APPLICANT

Lavolit Ltd/Von Westerholt Farms Ltd. 5795 Wellington Rd 87 RR#2 Harriston N0G 1Z0

LOCATION OF SUBJECT LANDS

Township of Wellington North (Arthur Twp)
Part Lot 26
Concession 6

Proposed severance is 0.7 hectares with 60m frontage, existing and proposed rural residential use with existing dwelling. Together with a proposed hydro easement in favour of retained parcel.

Retained parcel is 39.5 hectares with 241m frontage, existing and proposed agricultural use with existing building for tractors and building for hay storage.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY**, **JULY 22**, **2021** for the purpose of considering this **EXPEDITED APPLICATION**.

CONSIDERATION Con

County of Wellington Administration Centre

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:

- **⇒** Government
- ⇒ 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



JUN 28 2021

Application Location

B36/21

Part Lot 26, Concession 6

TOWNSHIP OF WELLINGTON NORTH

Applicant/Owner Lavolit Ltd/Von Westerholt Farms Ltd SECRETARY TREASURER

WELLINGTON COUNTY LAND DIVISION COMMITTEE

PLANNING OPINION: This application would sever a 0.7 ha (1.73 ac) rural residential parcel with an existing dwelling and create a proposed hydro easement in favour of the retained parcel. A vacant 39.5 ha (97.6 ac) agricultural parcel would be retained with two accessory structures. 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 approval:

- a) That driveway access can be provided to the retained lands to the satisfaction of the local municipality;
- b) 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 concerns.

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."

With respect to Minimum Distance Separation (MDS), there are two agricultural buildings located on the retained lands. Planning staff have received photos of the accessory structures from the applicant's agent and are satisfied the structures are not used to house livestock.

WELLINGTON COUNTY OFFICIAL PLAN: The subject property is designated PRIME AGRICULTURAL and CORE GREENLANDS. The identified environmental features include a GRCA regulated floodplain. 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 d) 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). 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 with a WHPA.



LOCAL ZONING BY-LAW: The subject property is currently zoned Agricultural (A) and Natural Environment (NE) Zone. Both the severed and retained lands meet the minimum lot area and frontage requirements of the Agricultural (A) Zone. As part of the surplus farm severance policies a standard condition is recommended to rezone the retained lands to prohibit future residential uses.

SITE VISIT INFORMATION: The subject property was visited and photographed on June 18, 2021. Notice Cards were posted and the survey sketch appears to meet the application requirements.

Matthieu Daoust, RPP MCIP

Planner

June 4, 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: B36-21

APPLICANT

LOCATION OF SUBJECT LANDS

Lavolit Ltd/Von Westerholt Farms Ltd. 5796 Wellington Rd 87 RR#2

Township of Wellington North (Arthur Twp)

Part Lot 26 Concession 6

Harriston N0G 1Z0

Proposed severance is 0.7 hectares with 60m frontage, existing and proposed rural residential use with existing dwelling. Together with a proposed hydro easement in favour of retained parcel.

Retained parcel is 39.5 hectares with 241m frontage, existing and proposed agricultural use with existing building for tractors and building for hay storage.

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER:

23-49-000-007-17900-0000

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?					NO:		7.5				
What Section(s) does it conform to or contravene? (Please specify)				-4		DEPARTMENTS				
							PART				
				y 1-12 (1				
Will the Severed Parcel comply with all requirements of the Zoning	By-law?		YES:	Х	NO:		PLANNING				
(Please Specify) Section A-8 of Zoning By-law 66-01											
Will the Retained Parcel comply with all requirements of the Zoning By-law? YES:					NO:		NG &				
(Please Specify) Sections A-8 and 30-NE	of Zonin	g By-lav	v 66-01	A			BUILDING				
If Necessary, would the Municipality be prepared to consider an Amendment to the Zoning By-Law to permit the proposal to conform?	YES:	x	NO:		NA:		В				
Or Minor Variance	YES:	x	NO:		NA:						
Is proposal on an opened maintained year-round public road?				Х	NO:						
If answer is NO, is municipality willing to enter into an agreement reup the road?	garding u	se of the	e season	al road	d, or ope	ening	ROADS				
(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:	Х	WATER				
Is the Retained Lot serviced now by Municipal Water? Is the Proposed Lot(s) serviced now by Municipal Sewers?			YES:		NO:	Х					
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:	X					
Approximate Time of Servicing Availability:											
Are there any other servicing arrangements, Municipal easements	or Municip	al Drair	ns on the	subje	ct lands'	?	RAIN				
Drainage assessment (the Rhame Drain) continues unchanged on	the farmla	ind to b	e retaine	d. Lar	nds to be	9	WORKS//DRAIN				
severed are not in the watershed of any drain under the Drainage A	Act.						WOR				



JUN 15 2021

SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Continue to Page 2

MUNICIPALITY COMMENTING FORM

FILE NO: B36-21

is the Municipality's Building Official satisfied that there is a sufficient site on the severed parcel for individual well and septic services?	YES:	х	NO:	
				9
				BUILDING
				BUI
Is there any further information that may assist the Planning and Land Division Comr [A letter may be attached if there is insufficient space to explain.]	nittee?			
there is meaning in space to explain.				
				77
Is the Municipality in support of this application?	YES:	×	NO:	
			1	
				COUNCIL
				700
What Conditions, if any, are requested by the Municipality if the Consent is granted?				
THAT the Owner satisfy all the requirements of the local municipality, financial limited to Taxes paid in Full; a Fee of \$130.00 for Township Clearance Letter is applicable at the time of clearance under the municipal Fees and Charges Wellington North may deem to be necessary at the time of issuance of the Coproper and orderly development of the subject lands;	of cond	litions —	– or wha	atever fee
THAT the Owner satisfy the requirements of the Township of Wellington Nort dedication fee be \$1,000/lot or part lot created, in 2021; (or whatever fee is a under the municipal Fees and Charges by-law) as provided for in the Planning	nlicable	at the	time of	ind clearance
THAT the retained lands be rezoned to restrict residential development municipality and the County of Wellington Planning and Development Departs	to the	satisfa		f the local
THAT MDS compliance is achieved for the agricultural buildings on the retain local municipality.	ed land	s to the	satisfac	ction of the
		·		
				
Does the Municipality request a Notice of the Decision?	YES:	Х	NO:	
	L			
SIGNATURE: Jammy tungl				
TITLE:				
ADDRESS: P.O. BOX 125, 7490 SIDEROAD 7 W., KENILWOR	TH, ON,	, N0G 2	<u>E0</u>	
DATE:				





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: June 21, 2021 **YOUR FILE:** B36-21

RE: Application for Consent B36-21

8652 Concession 6 South, Township of Wellington North

Lavolit Ltd./Von Westerholt Farms Ltd.

GRCA COMMENT:*

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

BACKGROUND:

1. Resource Issues:

Information currently available at this office indicates that the retained parcel contains watercourses, floodplain and the regulated 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:

Portions of the retained parcel contain natural heritage features and natural hazards that are identified by the Provincial Policy Statement (PPS, 2020). A portion of the retained parcel is also identified as Core Greenlands in the County of Wellington Official Plan.

GRCA staff do not anticipate any negative impacts to the natural hazard and natural heritage features as a result of the proposed severance. As such, the GRCA has no objection to 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 area 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.

JUN 3 0 2021 Page 1 of 2

N:\Resource Management Division\Resource Planning\Wellington\Wellington North\2021\Severance\B36-21 - 8652 Concession 6 South

SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

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,

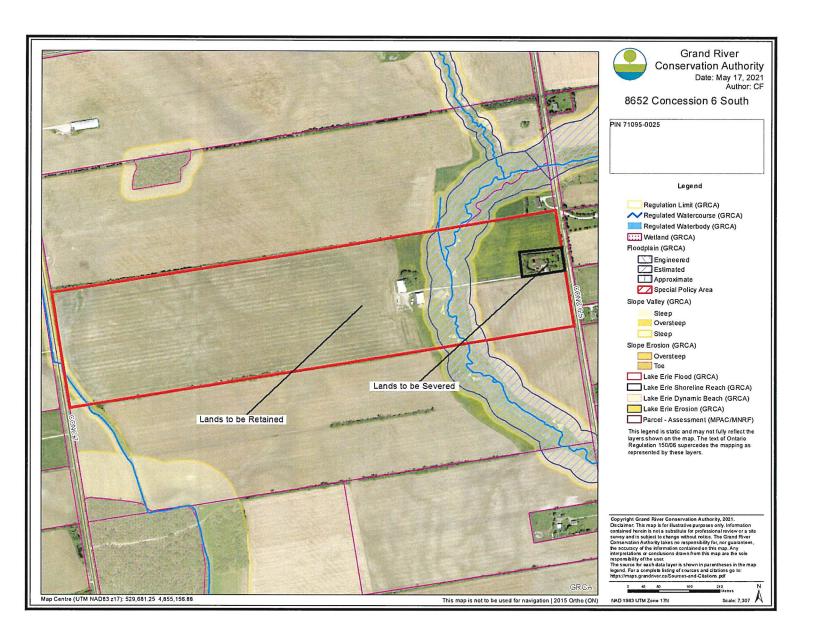
Andrew Herreman, CPT

Resource Planning Technician
Grand River Conservation Authority

Encl (1)

c.c. Lavolit Limited/Von Westerholt Farms Ltd. (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

May 6, 2021 29488-21 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

8652 Concession 6 South
Part of Lot 26, Concession 6
PIN 71080-0023
Geographic Township of Arthur
Township of Wellington North

RECEIVED

MAY 0 7 2021

SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

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 60±m, depth of 113±m for an area of 0.7±ha where the existing dwelling will remain. The parcel was configured around the existing driveway, hydro line, septic, well and natural features. The zoning requirements are met for this parcel.

The application also includes a request for an easement for the hydro line on the severed parcel, in favour of the retained parcel. The proposed easement will have a width of 4±m, depth of 115±m, for an area of 460±m². The hydro line services the two buildings over 250m to the rear of the proposed severance.

The retained parcel has an area of approximately 39.5±ha and is used as part of a large-scale agricultural farming operation known as Lavolit Limited and Von Westerholt Farms Ltd. The retained parcel contains two accessory buildings that are used for tractor storage and hay storage and will continue to do so. A new entrance is proposed to the south of the existing driveway, but on the retained parcel. The new entrance will follow the edge of field and run parallel with the existing entrance and then cross over at the top of the severed parcel to merge with the existing drive and lead to the existing accessory buildings on the retained parcel. 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



LAND SURVEYORS and ENGINEERS

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. Egon von Westerholt and Hubertus von Westerholt own this farm as part of their larger operations known as Lavolit Limited and Von Westerholt Farms Ltd. and will continue to farm this property. The Farm Information Form shows that Lavolit Limited and Von Westerholt 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 shortly.

Third, the severed surplus parcel is to be no larger than the area of residence and not disrupt the farming operation. The proposed parcel has an area of 0.7±ha and has been configured around the existing dwelling, septic, driveway, hydro line, edge of field and natural features. The proposed lot lines run along the existing edge of field, trees and cut grass and does not contain agricultural field. The proposed lot configuration is logical to accommodate the existing buildings and takes into consideration environmental 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 Egon von Westerholt

R.P. Magahay, B A

cc Hubertus von Westerholt

J.E. Buisman, B.E.S., B.So., O.E.S., R.M. Mak, B.Sc., O.E.S., J.M. Laws, B.So., O.E.S., J.M. Duffy P.Eng.