REPORT SUMMARY

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

Date of Consideration: June 11, 2015 TIME: 10:00 a.m.

File Number: **B134/14**

Applicant: **Per & Margaret Fisker**

Subject Lands: TOWN OF ERIN – Part Lot 18, Concession 1

Proposal is a request for consent to convey fee simple for a proposed severance ***revised 300m fr x 92m = 2.5 ha*** in the TOWN OF ERIN – Part Lot 18, Concession 1, existing and proposed rural residential use with existing shed; retained lands are 1.4 hectares.

ISSUES: Committee should be satisfied that larger lot size is justified
Revised sketch

SUMMARY of FILED REPORTS and COMMENTS:

Town of Erin – in support of application; conforms to Official Plan and zoning; acceptable driveway access location exists; conditions to apply

County Planning - notice cards not posted at time of site visit; Committee should be satisfied that five year ownership criterion is satisfied – property acquired May 2010; prefer smaller retained – 1-2 acre; require Farm Data sheet for barn noted at 8774 Sideroad 17; note in order to accommodate development a number of trees would have to be removed – a tree saving plan would provide a mechanism for staff to ensure that tree loss is minimized; no other concerns provided conditions addressed ***updated comments (May 7/15) – applicants now meet the 5 year ownership requirement; note the lot size was reduced by 0.2 ha (0.5 acre) which still leaves 1.4 ha (3.5 ac) parcel retained; setback of 63m from septic to property line appears to be indicated on sketch – 30m was suggested; MDS 1 condition – we were provided with Farm Data Sheet – we are satisfied that MDS1 requirements are met***

Conservation Authority (GRCA) – no objections; severed lot has sufficient area to support the intended use with suitable buffer from the wetland feature

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 B134/14.
3) THAT the Owner, as provided for under Section 69 of the Planning Act, R.S.O. 1990, shall pay to the Treasurer of the County of Wellington the administrative fee which is in effect at the time of the payment of the fee for the review 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 which the local municipality may deem to be necessary at the time of issuance of the Certificate of Consent for the proper and orderly development of the subject lands; and further that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
6) THAT the Owner satisfy the requirements of the Local Municipality in reference to parkland dedication as provided for in the Planning Act, R.S.O. 1990; and that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
7) THAT the Owner provides written confirmation from a licensed septic installer that the existing septic system is functioning properly and the required setbacks from property boundaries are in compliance with the Ontario Building Code to the satisfaction of the Town of Erin; and further that the Town of Erin file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition
8) THAT the owner satisfy the requirements of the Town of Erin concerning road widening conveyances along the frontage of the severed and retained parcel; and that the Town of Erin files with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
9) THAT the owner provide a predevelopment site drainage and grading plan to the satisfaction of the Town of Erin (denoting the existing lot elevations, proposed driveway, buildings/septic field location and existing overland flow together with proposed elevations and grading, demonstrating that drainage and grading do not impact on adjacent properties or trees noted for preservation); and that the Town of Erin files with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
10) THAT the Owner submit a Tree Saving and Compensation Plan prepared by a qualified professional to the satisfaction of the County of Wellington Planning Department; and further that 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.

*****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

May 28, 2015

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 B134/14

APPLICANT	**LOCATION OF SUBJECT LANDS:**
Per & Margaret Fisker 8786 Sideroad 17 Acton ON L7J 2L9	TOWN OF ERIN Part Lot 18 Concession 1

Proposed severance is *revised sketch – 300m fr x 92m = 2.5 hectares,* existing and proposed rural residential use with existing shed.

Retained parcel is *revised sketch – 92m fr x 152m = 1.4 hectares*, existing and proposed rural residential use with existing house, garage & shed.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, June 11, 2015**

AT 10:00 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 – Per & Margaret Fisker**

Planning and Development Department | County of Wellington
County Administration Centre | 74 Woolwich Street | Guelph ON N1H 3T9
T 519.837.2600 | F 519.823.1694

Application	B134/14
Location	Part Lot 18, Concession 1 TOWN OF ERIN
Applicant/Owner	Per & Margaret Fisker

SUPPLEMENTAL COMMENTS: This application was deferred by the Committee at the February 12, 2015 meeting for the following reasons:

1. To meet the Official Plan policy 10.4.4g) to own the land for five years; and
2. To provide a revised sketch to the Planning and Land Division Committee showing an adjustment to the proposed lot line to meet the limits of the septic system on the retained (30 m possible).

The applicants now meet the 5 year ownership requirement.

With respect to item 2, we note the lot size was reduced by 0.2 ha (0.5 ac), which still leaves a large 1.4 ha (3.5 ac) parcel to be retained. A setback of 63 m from the septic system to the proposed property line appears to be indicated on the survey sketch, whereas 30 m was suggested.

The Committee should be satisfied that the larger lot size is justified.

LOT SIZE: In our original comments on the application we stated a preference for a 1 to 2 acre retained lot (rather than the larger 1.6 ha (4 ac) lot proposed). This comment is in keeping with Section 10.4.4a) of the Plan, one of the criteria for residential lot creation in the Secondary Agricultural area:

> "The lot generally meets a 0.4 ha minimum lot size and **is not larger than needed to accommodate the intended use**, consisting of the dwelling, accessory buildings and uses, and individual sewage and water services, while taking into account site constraints such as grading, sightlines, natural heritage features, hazardous lands, and Minimum Distance Separation requirements." (emphasis added)

We have some difficulty interpreting the above policy relative to the maximum lot size. The minimum lot size is clear as it is given a numeric value whereas the maximum is not. This does provide the Committee with some discretion.

The reason for the upper limit of "not larger than needed..." is not given. Our interpretation is that the policy is meant to achieve the following:

- To ensure that farmland is not wasted
- To control growth by ensuring that future severance potential is not created for both lots

The subject property does not contain productive farmland. Both lots might have space for severances in the future if the policies were changed to allow an additional severance, but under current policies they would not qualify for consideration of another.

MINIMUM DISTANCE SEPARATION 1 (MDS1): We were provided with a Farm Data Sheet for the horse operation at 8774 Sideroad 17. We have completed the necessary calculations to determine a required setback of 119 m, whereas a setback of 153 m has been provided. We are satisfied that MDS1 requirements are met and no longer require a related condition.

Sarah Wilhelm, MCIP, RPP, Senior Planner
May 7, 2015

Attachment:

Minimum Distance Separation 1 (MDS1) Report (8786 Sideroad 17)

RECEIVED
MAY 07 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Minimum Distance Separation I (MDS I) Report

Application Date: 05-May-2015
File Number: B134/14

Preparer Information
Sarah Wilhelm

Applicant Information
Per & Margaret Fisker
8786 Sideroad 17
Erin, ON, Canada L7J 2L9

County of Wellington
Town of Erin
Geotownship: ERIN
Concession: 1
Lot: 18

Calculation #1
Duval

Adjacent Farm Contact Information
Mark & Penny Duval
8774 17 Sideroad
Acton, ON, Canada

Farm Location
County of Wellington
Town of Erin
Geotownship: ERIN
Concession: 1
Lot: 18

Manure Form	Type of Livestock/Material	Existing Capacity	Existing NU	Estimated Barn Area
Solid	Horses; Medium-framed, mature; 227 - 680 kg (including unweaned offspring)	4	4.0	Unavailable

Encroaching Land Use Factor: Type A Land Use
Tillable area of land on this lot: 4.05 ha
Manure/Material Storage Type: V3. Solid, outside, no cover, >= 30% DM

Factor A (Odour Potential): 0.7
Factor B (Nutrient Units): 221
Factor D (Manure/Material Type): 0.7
Factor E (Encroaching Land Use): 1.1
Total Nutrient Units: 4

	Required Setback	Actual Setback
Distance from nearest livestock building 'F' (A x B x D x E):	119 m (390 ft)	153 m (502 ft)
Distance from nearest permanent manure/material storage 'S':	119 m (390 ft)	153 m (502 ft)

Signature of Preparer: Sarah Wilhelm

Date: MAY 5, 2015

NOTE TO THE USER:
The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.

Ontario

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

MINUTES

ON APPLICATION B134/14

APPLICANT	**LOCATION OF SUBJECT LANDS:**
Per & Margaret Fisker 8786 Sideroad 17 Acton ON L7J 2L9	TOWN OF ERIN Part Lot 18 Concession 1

Proposed severance is 247m fr x 92m = 2.3 hectares, existing and proposed rural residential use with existing shed.

Retained parcel is 92m fr x 178 = 1.6 hectares, existing and proposed rural residential use with existing house, garage & shed.

COMMITTEE MEMBERS PRESENT: **Andrew Lennox - Chairman**
Councilors - Shawn Watters, Don McKay

ABSENT: **George Bridge, Warden and Allan Alls**

DATE: **February 12, 2015**

Appearing Before the Committee: Per & Margaret Fisker – owners; Sarah Wilhelm – P&D Staff

Public Hearing Notes: Land Division Committee considered aerial views and pictures of the site and written reports; S. Wilhelm – policy issues – 5 year ownership – will meet policy in May 2015; size of retained – residential use; policy – 1 acre; retained is 1.6 ha – could move lot line down to make smaller parcel. P. Fisker – two concerns – 5 year is up in May – process will take us to the 5 years; retained portion – not enough room to sever more off retained anyway; septic portion takes up a large area; could shorten a bit but wouldn't be much more; S. Wilhelm – work within policy as much as we can; physical reason – why can't make smaller; P. Fisker – house set back 50' house has large septic; if separated again they would have to take septic; S. Wilhelm – survey sketch shows less than ½ the lot; P. Fisker – not to scale; septic bed is larger than shown; if it becomes an issue – could shorten by 30m; D. McKay – if it could go back if just 30m? S. Watters – within reason adjust the line if we can; not survey information right now; S. Wilhelm – provided it meets building code setback from septic; 30m; S. Watters – staff perspective – good indication where it is; S. Wilhelm – question how strongly you want to address condition; or defer; D. McKay – not an extra burden to adjust sketch – need to do survey anyway; approve smaller; within limits of building code of septic; A. Lennox – are we comfortable with the five year time frame and they could get further information on sketch; D. McKay – precedent set to approve prior to timeframe – could keep within time frame;

Moved by Councilor Don McKay Seconded by Councilor Shawn Watters

THAT application B134/14 be deferred to meet the Official Plan policy 10.4.4 g) to own the land for five years and that a revised sketch be provided to the Planning and Land Division Committee showing an adjustment to the proposed lot line to meet the limits of the septic system on the retained (30m possible).

Carried