# REPORT SUMMARY

**THIS PROPOSAL HAS BEEN PLACED INTO THE EXPEDITED APPROVAL PROCESS YOUR ATTENDANCE IS NOT REQUIRED BEFORE THE LAND DIVISION COMMITTEE. PLEASE SIGN and RETURN THE 'AGREEMENT TO CONDITIONS' LETTER IMMEDIATELY**

**Date of Consideration:** **November 13, 2014**

**File Number:** **B104/14**

**Applicant:** **C & C Nestco Corporation**

**Subject Lands:** TOWN OF ERIN – Part Lot 13, Concession 2

**Proposal is a request for consent to convey** fee simple for a proposed severance 3.55 hectares (8.8 acres) with 153.09m frontage in the TOWN OF ERIN – Part Lot 13, Concession 2, vacant land for proposed rural residential use. Previous applications B114/05 and B16/07 merged on title. Consent to allow sale of property; retained lands are 20 hectares (54.2 acres).

## ISSUES: none

## SUMMARY of FILED REPORTS and COMMENTS:

**Town of Erin –** in support; conforms to Official Plan and Zoning; no conditions required

**County Planning** - notice cards were posted at time of site visit; proposed would re-establish previously approved lot B114/05 which unintentionally merged with retained lands after lot line adjustment B16/07 was approved to include pond; MDS 1 requirements – appears livestock facilities to the North West. no concerns provided conditions addressed

**Conservation Authority (GRCA) –** no objections

**County Engineering –** no objections – entrance condition not require

**Other –** Gordon Maxwell (solicitor) – explanation 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".
**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 for Consent B104/14.
**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 for 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 County of Wellington Planning Department submit to the Secretary-Treasurer of the Planning and Land Division Committee written approval which indicates that the Minimum Distance Separation required under Formula 1 are met.

*****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**

October 30, 2014

**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 B104/14**

**APPLICANT**

C & C Nestco Corporation
5047 First Line
RR#3
Acton ON L7J 2L9

**LOCATION OF SUBJECT LANDS:**

TOWN OF ERIN
Part Lot 13
Concession 2

Proposed severance is 3.55 hectares with 153.09m frontage, vacant land for proposed rural residential use. Previous applications B114/05 and B16/07 merged on title. Consent to allow sale of property.

Retained parcel is 20 hectares with 170m frontage on County Rd 124 and 212m frontage on First Line, existing and proposed rural commercial with existing dwelling and 2 storage sheds.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, November 13, 2014**

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 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**

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TO: **Agent – Gordon Maxwell**

RECEIVED
SEP 15 2014
TOWN OF ERIN

**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: B104/14**

**APPLICANT**

C & C Nestco Corporation
5047 First Line
RR#3
Acton ON L7J 2L9

8837 WCR124

**LOCATION OF SUBJECT LANDS**

TOWN OF ERIN
Part Lot 13
Concession 2

Proposed severance is 3.55 hectares with 153.09m frontage, vacant land for proposed rural residential use. Previous applications B114/05 and B16/07 merged on title. Consent to allow sale of property.

Retained parcel is 20 hectares with 170m frontage on County Rd 124 and 212m frontage on First Line, existing and proposed rural commercial with existing dwelling and 2 storage sheds.

***PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER:*** 05-306

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(X) 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 [ ]

**(Please Specify)** _____

Will the Retained Parcel comply with all requirements of the Zoning By-law? YES [X] NO [ ]

**(Please Specify)** _____

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( ) 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** _____

_____

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WELLINGTON COUNTY
LAND DIVISION COMMITTEE

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(X)

**Approximate Time of Servicing Availability:** _____

Are there any other servicing arrangements, Municipal easements or Municipal Drains on the subject lands?

Continued to Page 2

**MUNICIPALITY COMMENTING FORM**

**FILE NO: B104/14**

**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]

NO CONDITIONS REQUIRED

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?

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

SIGNATURE S Hull

TITLE: PLANNER, TOWN OF ERIN

ADDRESS: 5684 TRAFALGAR RD RR2 HILLSBURGH ON N0B 1Z0

DATE: Oct 14/14

**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
OCT 22 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

| | |
|---|---|
| **Application** | B104/14 |
| **Location** | Part Lot 13, Concession 2<br>TOWN OF ERIN |
| **Applicant/Owner** | C & C Nestco Corporation |

**PLANNING OPINION:** This application would sever a vacant 3.55 ha (8.7 ac) rural residential lot in the Secondary Agricultural Area. A 20 ha (49.4 ac) parcel with a residential dwelling and storage buildings would be retained.

The proposed severed parcel would re-establish a previously approved lot (B114/05), which unintentionally merged with the retained lands. The lands merged when a subsequent lot line adjustment was approved (B16/07) to include the entire pond on the previously severed parcel. We would have no concerns, provided that the following matters are addressed as conditions of approval:

a) That any concerns of the Conservation Authority can be addressed; and,
b) That Minimum Distance Separation 1 compliance is demonstrated to the satisfaction of the County of Wellington Planning Department; and,
c) That servicing is provided to the site to the satisfaction of the local municipality; and,
d) That safe driveway access is provided to the site to the satisfaction of the local municipality.

**PLACES TO GROW:** No issues.

**PROVINCIAL POLICY STATEMENT (PPS):** Section 2.1.8 of the PPS states that "development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas... including significant wetlands... unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions."

Regarding Minimum Distance Separation 1 requirements, there appear to be livestock facilities to the North West. We require a Farm Data Sheet to determine MDS 1 compliance.

**WELLINGTON COUNTY OFFICIAL PLAN:** The subject lands are designated SECONDARY AGRICULTURAL and CORE GREENLANDS. The features protected by the Greenland's designation are hazard lands and forested areas. According to Section 10.4.4, one new residential lot may be allowed from a parcel of land within the Secondary Agricultural designation, which existed on the date of provincial approval of the County Plan, subject to the following criteria:

a) Individual services can be accommodated;
b) The lot is not normally larger than 0.8 hectares (2 acres) unless existing natural features or development patterns make a larger lot more practical;
c) The lot has access to an open and maintained public road;
d) The residential use will not hinder or preclude potential agricultural or mineral aggregate operations;
e) The residential use is compatible;
f) The use is well removed from any settlement boundary;
g) The applicant has owned the property for at least five years.

With respect to item b), the severed lot is proposed to be 3.55 ha (8.7 acre) in size. The Greenlands features are located entirely on the parcel to be retained.

We note that the proposed lot is within 1 kilometre of the Ospringe Hamlet boundary. In terms of the Urban Area protection policies, Section 4.7.1 states that *"this policy does not apply to prevent...development of a minor nature which does not impede the efficient expansion of the urban area".* Generally, it is our view that consents to create one new lot adjacent to an urban centre or hamlet is minor development for the purposes of this Official Plan policy.

The matters under Section 10.1.3 were also considered, including b)"that all lots can be adequately serviced with water, sewage disposal.....to accepted municipal standards" and d) "that all lots will have safe driveway access to an all-season maintained public road....".

**LOCAL OFFICIAL PLAN:** The subject property is designated Secondary Agricultural and Core Greenlands in the Town of Erin Official Plan.

**LOCAL ZONING BY-LAW:** The subject lands are zoned Agriculture and EP2. Both lots would meet the minimum lot frontage and area requirements.

**SITE VISIT INFORMATION:** The subject property was visited and photographed on October 17th 2014. Notice Cards were posted and the survey sketch appears to meet the application requirements.

Jameson Pickard

Jameson Pickard, Junior Planner
October 22nd, 2014

400 Clyde Road, P.O. Box 729, Cambridge, ON N1R 5W6
**Phone:** 519-621-2761 **Toll free:** 866-900-4722 **www.grandriver.ca**

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

**DATE:** October 20, 2014 **YOUR FILE:** B104/14
**GRCA FILE:** Erin/2014/Sev

**RE:** **Application for Consent B104/14**
Part Lot 13, Concession 2
C & C Nestco Corporation

**GRCA COMMENT: ***
The Grand River Conservation Authority (GRCA) does not object to the above noted severance application as proposed in the circulated material.

**BACKGROUND:**

1. **Resource Issues:**

   Information currently available at this office indicates that a portion of the lands to be severed do not contain any features of interest to the GRCA.

   Information currently available at this office indicates that a portion of the lands to be retained contain a watercourse, portions of the Provincially Significant Eramosa River Blue Springs Creek Wetland Complex, and the allowances to these features.

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

   Due to the above mentioned features, portions of the retained lands are regulated by the GRCA under the Development, Interference, with Wetlands, and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 150/06). Any future development and/or site alteration proposed within the regulated area will require a permit from our office.

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

   We wish to acknowledge receipt of the applicable plan review fee in the amount of $380.00 for the processing of this application.

We trust these comments are of assistance. Should you have any further questions, please do not hesitate to contact the undersigned at ext. 2320.

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OCT 22 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

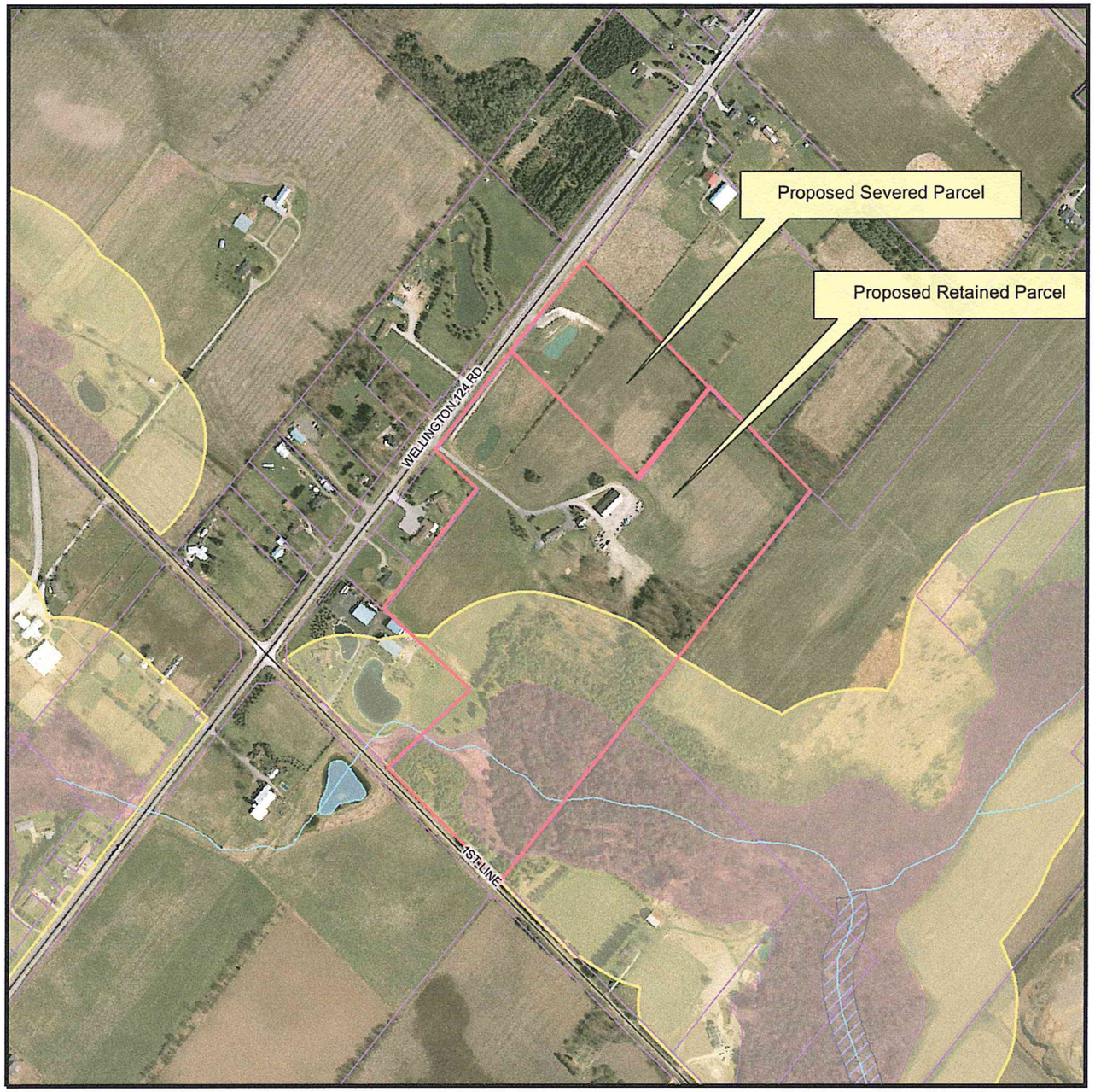
Yours truly,

Jason Wagler, MCIP, RPP
Resource Planner
Grand River Conservation Authority

Encl. (1)

- ***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. Town of Erin
C&C Nestco Corporation, c/o Cary Limebeer, RR3, Acton, ON, L7J 2L9

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Grand River Conservation Authority**
Map created: October 20, 2014

## B104/14

LEGEND

- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- DRAINAGE-NETWORK (GRCA)
- PARCELS-ASSESSMENT (MPAC)
- FLOODPLAIN (GRCA)
- ENGINEERED
- APPROXIMATE
- ESTIMATED
- WETLAND (GRCA)
- SLOPE VALLEY (GRCA)
- STEEP
- OVERSTEEP
- SLOPE EROSION (GRCA)
- STEEP
- OVERSTEEP
- TOE
- PARKS (GRCA)
- REGULATION LIMIT 2014 (GRCA)
- DRAINAGE-POLY (NRVIS)
- 2010 ORTHO (ONT)

**GRCA Disclaimer**

This map is for illustrative purposes only. Information contained hereon 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:

*http://grims.grandriver.ca/docs/SourcesCitations1.htm*

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NAD 1983, UTM Zone 17 Scale 1:7,499

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COUNTY OF WELLINGTON
SEP 12 2014
ENGINEERING SERVICES DEPARTMENT

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

September 12, 2014

# NOTICE OF AN APPLICATION FOR CONSENT

**Ontario Planning Act, Section 53(4)**

**The County of Wellington Planning and Land Division Committee requests your written comments on this application for consent.**

***APPLICATION SUBMITTED ON: September 5, 2014***

**FILE NO. B104/14**

**APPLICANT**

C & C Nestco Corporation
5047 First Line
RR#3
Acton ON L7J 2L9

**LOCATION OF SUBJECT LANDS:**

TOWN OF ERIN
Part Lot 13
Concession 2

Proposed severance is 3.55 hectares with 153.09m frontage, vacant land for proposed rural residential use. Previous applications B114/05 and B16/07 merged on title. Consent to allow sale of property.

Retained parcel is 20 hectares with 170m frontage on County Rd 124 and 212m frontage on First Line, existing and proposed rural commercial with existing dwelling and 2 storage sheds.

RECEIVED
OCT 20 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

**IF YOU WISH TO SUBMIT COMMENTS ON THIS APPLICATION, WE MUST HAVE YOUR WRITTEN COMMENTS BEFORE**

## October 22, 2014

**Please note** that if the Comments are not received by the requested date, the Planning and Land Division Committee may proceed to consider the application, and may assume that you have no objection to this APPLICATION for CONSENT.

**Please also be advised** that if a person or public body that files 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.

If you wish to be **NOTIFIED OF THE DATE AND TIME OF THE CONSIDERATION** of this application - **please make your request in writing** to the Planning and Land Division Committee before the "Comments Return Date" noted above.

If you wish to be **NOTIFIED OF THE DECISION** of the County of Wellington Planning and Land Division Committee in respect of this proposed consent, **you must make a request in writing** to the County of Wellington Planning and Land Division Committee. This will also entitle you to be advised of a possible Ontario Municipal Board Hearing. Even if you are the successful party, you should request a copy of the decision since the County of Wellington Planning and Land Division Committee's decision may be appealed to the Ontario Municipal Board by the applicant or another member of the Public.

**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

COUNTY OF WELLINGTON
ENGINEERING SERVICES
NO OBJECTION
NOTICE OF DECISION REQ'D.
PASQUALE COSTANZO, CET
ENGINEERING TECHNOLOGIST
OCT 17 2014
Date:

**MAILED TO:**

Local Municipality – Town of Erin County Planning Conservation Authority GRCA

County Engineering

Bell Canada County Clerk Roads

Neighbour - as per list verified by local municipality and filed by applicant with this application

*ENTRANCE COND NOT REQ*

B104/14

# MAXWELLLAW

Gordon P. Maxwell Barrister and Solicitor

September 5, 2014

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

Dear Sir/Madam:

**Re: Application for Confirmation of Previous Severance and Lot Line Adjustment B114/05 and B16/07**
**Part Lot 13, Concession 2, Township of Erin**
**C & C Nestco Corporation**

Further to the above noted matter, please find enclosed the following:

1. completed application for severance;
2. sketch showing lands to be severed and lands to be retained;
3. Reference Plan 61R10170;
4. Transfer with Consent registered as Instrument No. WC129281;
5. Reference Plan No. 61R10889;
6. Transfer with Consent registered as Instrument No. WC225923;
7. Application to Cconsolidate registered as Instrument No. WC226271;
8. list of adjoining land owners within 60 meters of the subject lands; and
9. my firm cheque to cover the Ministry fees.

As a result of the consolidation of the lands previously severed (Application B114/05), the lot line adjustment (Application B16/07) and the stamp on the lot line adjustment consent requiring that future conveyances must comply with Section 50(3) of the Planning Act, all lands merged. Section 50(12) (once a severance always a severance) does not apply if future conveyances are subject to compliance with Section 50(3).

The problem is that all of transfers continue to be registered in the same name.

There are reference plans registered, which show the accurate description of the properties in question.

The difficulty has arisen as a result of C & C Nestco Corporation entering into an Agreement of Purchase and Sale to sell the subject severed lot.

Please let me know if you required anything further at this time.

Yours truly,

Gordon P. Maxwell
GPM/bc
Encls.