# REPORT SUMMARY

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

**Date of Consideration:** **November 13, 2014** **TIME: 9:50 A.M.**

**File Number:** **B100/14**

**Applicant:** **Loupen Investments Ltd.**

**Subject Lands:** TOWN OF ERIN – Part Lots 24, 25 & 26, Concession 9

**Proposal is a request for consent to convey** fee simple for a proposed severance 50m fr x 120m = 0.59 hectares (1.46 acres) in the TOWN OF ERIN – Part Lots 24, 25 & 26, Concession 9, existing agricultural use for proposed rural residential use; retained lands are 69.8 hectares (172.5 acres)

## ISSUES: none

## SUMMARY of FILED REPORTS and COMMENTS:

**Town of Erin** – in support of application; suitable driveway location exists; conforms to zoning and official plan; conditions to apply

**County Planning** - notice cards were posted at time of site visit; no MDS issues; severed is Secondary Agricultural; application is consistent with Provincial Policy and generally conforms to Official Plan; no concerns

**Conservation Authority (Credit Valley) –** no objections – severed parcel outside of CVC regulated area

Other: Erla Macaulay (335 Mill Road, Apt 903 Etobicoke, ON M9C 1Y6) – **request notification of consideration**

## ***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 B100/14.
**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 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 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.
**8) 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.
**9) THAT** the Owner provide a survey denoting a driveway access acceptable to the Town of Erin Roads Department; and further that the Town of Erin files 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**

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 B100/14**

**APPLICANT**

Loupen Investments Ltd.
804 Dupont Street
Toronto ON M6G 1Z6

**LOCATION OF SUBJECT LANDS:**

TOWN OF ERIN
Part Lots 24, 25 & 26
Concession 9

Proposed severance is 50m fr x 120m = 0.59 hectares, existing agricultural use for proposed rural residential use.

Retained parcel is 69.8 hectares with 1277m frontage, existing and proposed residential and agricultural use with existing house, garage, shed & 2 barns.

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

**AT 9:50 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**

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TO: **Agent – JL Cox** **Applicant – Loupen Investments Ltd.**
**Other:** Erla Macaulay (335 Mill Road, Apt 903 Etobicoke, ON M9C 1Y6)

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: B100/14**

**APPLICANT**

Loupen Investments Ltd.
804 Dupont Street
Toronto ON M6G 1Z6

**LOCATION OF SUBJECT LANDS**

TOWN OF ERIN
Part Lots 24, 25 & 26
Concession 9

Proposed severance is 50m fr x 120m = 0.59 hectares, existing agricultural use for proposed rural residential use.

Retained parcel is 42.8 hectares with 652m frontage, existing and proposed agricultural use.

***PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER:*** 08-05

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** _____

_____

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 <u>or</u> Municipal Drains on the subject lands?

Continued to Page 2

**MUNICIPALITY COMMENTING FORM**

**FILE NO: B100/14**

**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]

See attached

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 _____

TITLE: PLANNER TOWN OF ERIN

ADDRESS: 5684 Trafalgar Rd, RR2 HILLSBURGH ON N0B 1Z0

DATE: Oct 14/14

**Corporation of the Town of Erin**
**5684 Trafalgar Road**
**RR2 Hillsburgh ON N0B 1Z0**
**(519) 855-4407 Ext. 240 Fax: (519) 855-4281**
**EMAIL: sally.stull@erin.ca**

Severance Application Recommendation

To: County of Wellington Land Division Committee
From: Sally Stull, Planner, Town of Erin
Date: October 22, 2014
**Applicant:** Loupen Investments Ltd.
**Location:** Part Lots 24, 25 & 26, Con 9
**File:** B100/14

Official Plan: Secondary Agricultural and Core Greenland
Zoning: A- Agricultural & EP-2 Environmental Protection – Rural

**Recommendation:** A suitable driveway location exists. An entrance permit will be required prior to building permit issuance. The Town of Erin relies on the County of Wellington to confirm compliance with Minimum Distance Separation Formulae. The Town of Erin has no objection to the proposed severance request subject to the following conditions of approval. The Town of Erin will file clearance of these conditions with the Secretary-Treasurer of the Committee of Adjustment once the conditions have been fulfilled.

1. That the owner convey to the Town of Erin on both the severed and retained parcels of land, a road widening, to achieve a 13m right-of-way from the centerline of the 8th Line. The parcel(s) conveyed must be free of liens and encumbrances.

2. That the owner pay parkland dedication and satisfy any other requirements of the local municipality, financial and otherwise to 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.

3. That the owner provide a survey denoting a driveway access acceptable to the Town of Erin Roads Department.

4. 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.

RECEIVED
OCT 14 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

**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 21 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

| | |
|---|---|
| **Application** | B100/14 |
| **Location** | Part Lots 24, 25 & 26, Concession 9<br>TOWN OF ERIN |
| **Applicant/Owner** | Loupen Investments Ltd. |

**PLANNING OPINION:** This application would sever a vacant 0.59 ha (1.4 ac) parcel in the Secondary Agricultural area. A 69.8 ha (172.5 ac) agricultural parcel with existing dwelling, barn and accessory structure would be retained.

The proposed severance (B100/14) is located in the Secondary Agricultural area on the property and is subject to the applicable polices. As such, Staff find that this application is consistent with Provincial Policy and would generally conform to the Official Plan. 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 safe drive way access be provided to the severed parcel to the satisfaction of the local municipality; and,
c) That servicing can be 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."

Minimum Distance separation 1(MDS1) has been considered and there are no livestock facilities within 500 m of the proposed lot.

**GREENBELT PLAN:** The subject property is located within the protected countryside and the natural heritage system overlay of the Greenbelt plan and is subject to the pertinent polices of this plan.

**WELLINGTON COUNTY OFFICIAL PLAN:** The subject property is designated PRIME AGRICULTURAL, SECONDARY AGRICULTURAL, CORE GREENLANDS, GREENLANDS and falls with an Earth science Area of Natural and Scientific interest. The Greenland designations are a composite of hazard lands, significant wood lands 20 ha +, significant wetlands and environmentally sensitive areas. The proposed severance is located outside of these natural features and is within the Secondary Agricultural designation.

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.

Section 10.2.2 states that "where the County is concerned that a proposed lot in or adjacent to the Greenlands System could negatively impact a natural feature or function, the County may require an environmental impact study to assess potential impacts and means of mitigation."

The matters under Section 10.1.3 were also considered including d) "that all lots will have safe driveway access."

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

**LOCAL ZONING BY-LAW:** The subject property is currently zoned Agricultural (A) and Rural Area Protection zone (EP2).

**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 21st, 2014

CVC
CREDIT VALLEY CONSERVATION

October 17, 2014

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

RECEIVED
OCT 27 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

**Attention Deborah Turchet, Secretary-Treasurer**

Dear Ms. Turchet:

**Re: CVC File No. B 14/100 and B 14/101**
**Your File No. B100/14 and B101/14**
**Loupen Investments Ltd.**
**5885 Eighth Line**
**Part Lot 24, 25, 26, Concession 9**
**Town of Erin**

Staff of Credit Valley Conservation (CVC) has now reviewed the above-noted application and we provide the following comments for your consideration:

**PURPOSE: B100/14**
The purpose of this application is to sever 0.59 hectares, existing agricultural use for proposed rural residential use. The retained lot is 42.8 hectares with 652m frontage, existing and proposed agricultural use.

**B101/14**
The purpose of this application is to sever 27 hectares with 625m frontage, existing and proposed rural residential use with existing house, garage, shed & 2 barns.

**ONTARIO REGULATION NO. 160/06:**
The subject property is located partially within the Authority's Regulated Area. As such, the parcel is subject to CVC Regulation of Development Interference with Wetlands, and Alterations to Shorelines and Watercourses (Ontario Regulation No. 160/06). This regulation prohibits altering a watercourse or wetland, and prohibits development (e.g. new structures. additions, site grading) in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands (floodplain, erosion), and wetlands without the prior written approval of CVC (i.e. the issuance of a permit). The property is regulated due to the presence of a watercourse, floodplain, valley slope and PSW.

**SITE CHARACTERISTICS:**
The subject property is traversed by a tributary of the West Credit River, its associated floodplain, valley slope and contains portions of the Alton-Hillsburgh Provincially Significant Wetland (PSW) Complex. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features and functions of the above noted characteristics and that no development be permitted which would adversely affect the natural features or the ecological functions of these areas.

***Environmentally Significant Area (ESA):*** The subject property falls within the Alton Swamp Complex ESA. These areas contain significant natural features within the Credit River Watershed and include valley and watercourse corridors, wetlands and woodlands. The designation of these is based on criteria related to terrain, flora and fauna, hydrological significance, aesthetic qualities and educational values. Our objective is to protect these sensitive areas from impacts related to construction or development activities.



Credit Valley Conservation 1255 Old Derry Road, Mississauga, Ontario L5N 6R4
Phone (905) 670-1615 Fax (905) 670-2210

October 17, 2014
Re: CVC File No. B 14/100 and B14/101

*Erin Greenlands:* The subject property is partially within an area designated as Core Greenlands by the Town of Erin. It is the policy of the Town of Erin to protect the form and function of these natural areas. CVC provides technical support to this agency with respect to delineation of natural features and reviewing potential impacts from subsequent development within and adjacent of these lands.

*Provincial Greenbelt*: According to Schedules 1 and 4 of the Province of Ontario's Greenbelt Plan 2005, the entire property falls with the Protected Countryside of the Greenbelt Plan Area and is almost entirely designated as part of its Natural Heritage System. We recommend that you contact the Town of Erin for further information with respect to these designations as certain policies of the Greenbelt Plan apply to future use of the property.

COMMENTS:
CVC staff has **no objection** to the proposed Severance **B100/14**. The severed parcel is outside of CVC's Regulated Area.

CVC has **no objection** to the proposed Severance **B101/14**. It is however unclear if a new building is desired on the severed parcel. Should an additional building be proposed, it should be located outside of all features and a buffer would have to be determined.

Should a building/ development envelope be required on the property to **be retained**, CVC recommends that it be located outside of the upland woodland with an appropriate buffer.

**Endangered and/or Threatened Species**: The subject property may contain or provide habitat for a known Species-at-Risk. Under the Provincial Policy Statement (2005), the Province protects the significant habitat of endangered and threatened species from development. Additionally, the Endangered Species Act 2007 provides legal protection and recovery for species-at-risk and their habitats. As such, consultation with MNR is advised as a permit under the Endangered Species Act may be required.

We request to be notified of the Committee's decision in relation to this application.

We trust that these comments are sufficient. If you have any questions or concerns, please do not hesitate to contact the undersigned at 905-670-1615 (x. 245).

Yours truly,

Suzie Losiak
Planner

cc: Town of Erin
Attn.: Sally Stull

JL Cox Planning Consultants
350 Speedvale Avenue W, Unit 6
Guelph, ON N1H 7M7

17 October 2014

County of Wellington Planning and Land Division Committee
Deborah Turchet
Wellington County Administration Centre
74 Woolwich Street
Guelph, Ontario
N1H 3T6

Comments - File No. B100/14

I am the owner of 5914 Ninth Line, Con 9 Pt Lot 26, Erin Town.

Regarding the above application, the fence line shown on the attached plan running parallel to the 8th line appears to be straight when in fact it is not.

Just want to make sure the diagram accompanying the application is a sketch for reference purposes only.

I wish to be notified of the date and time of the consideration of this application.

Regards

Erla Macaulay
335 Mill Road, Apt. 903
Etobicoke, Ontario
M9C 1Y6

RECEIVED
OCT 20 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE